

CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA
and ASSEMBLY OF FIRST NATIONS**

Complainants

and

CANADIAN HUMAN RIGHTS COMMISSION

Commission

and

**ATTORNEY GENERAL OF CANADA
(representing the Minister of Indian and Northern Affairs)**

Respondent

and

CHIEFS OF ONTARIO and AMNESTY INTERNATIONAL CANADA

Interested Parties

RESPONDENT'S FURTHER SUBMISSIONS ON REMEDY

**Jonathan Tarlton, Melissa Chan & Patricia MacPhee
JUSTICE CANADA
Atlantic Regional Office
5251 Duke Street, Suite 1400
Halifax, NS B3J 1P3**

1. Canada is pleased to provide the following details on the immediate relief investments for child and family welfare services on reserve, further to its March 10, 2016 submissions.
2. On March 22, 2016, the Government of Canada proposed investments of \$8.4 billion over five years in First Nations families, youth and children as part of Budget 2016. This includes investments in key areas such as education, housing, school and community infrastructure, child and family services and family violence prevention. Through these investments, Canada will work in partnership with Indigenous peoples to improve the socio-economic conditions of Indigenous children, families and communities. The increased investments across the spectrum of programs for Indigenous people will have a positive impact on child welfare outcomes by improving overall conditions on reserve.
3. Importantly, other Government of Canada investments will positively affect Indigenous peoples across the country. In particular, investments in health infrastructure, culture, employment and job readiness, social benefits, early learning and development and the environment are critical to addressing some of the root causes of poverty and to ensuring that Indigenous children receive the best possible start in life.

IMMEDIATE RELIEF MEASURES

4. Budget 2016 identified new investments of \$634.8 million over five years to the First Nations Child and Family Services Program. These investments will enable the provision of greater prevention services to families and support critically needed program stability for front-line operations. Over the five-year period, investments will increase to make more funding available as front-line service capacity increases.
5. Specifically, the investments identified are: \$71.1 million in 2016-2017; \$98.6 million in 2017-2018; \$126.3 million in 2018-2019; \$162.0 million in 2019-2020; and \$176.8 million in 2020-2021, which is ongoing. These investments are intended

to be rolled out incrementally to provide time for service providers to hire and train additional, qualified staff and to expand prevention programming.

6. Specifically, immediate relief (\$71.1 million) for 2016-2017 will include:
 - \$54.2 million for the following:
 - immediate adjustments to Operations and Prevention through additional investments to update existing funding agreements;
 - increases to the per child service purchase amounts (including for prevention services);
 - funding for intake and investigation services;
 - upward adjustments for agencies with more than 6% of children in care; and
 - investments for providing federal support to expand provincial case management systems on reserve.
 - \$16.2 million for prevention funding in Ontario, British Columbia, New Brunswick, Newfoundland and Labrador and Yukon (non-EPFA jurisdictions) at nationally-consistent levels across all jurisdictions.
 - \$0.7 million to INAC resources for outreach, engagement and effective allocation of funding to service providers.
7. In addition to the investments identified in Budget 2016, INAC will continue to provide additional funding to meet needs, including:
 - maintenance funding to respond to budgetary pressures created as a result of provincial legislative changes to service delivery requirements, as they arise; and

- support for an engagement process going forward in conjunction with the National Advisory Committee and Regional Tables to work on medium and long-term reform.

UPDATE ON INAC'S INITIAL MEASURES RELATED TO PROGRAM REFORM

8. While the investments of Budget 2016 represent a concrete first step in improving outcomes for First Nations children and families, much-needed program reforms remain an urgent priority and will be developed in full partnership with First Nations.
9. A number of actions to begin this reform were identified in Canada's submissions of March 10, 2016 (paragraphs 9, 10, 11, 22, and 28). Below are details on the progress to date:
 - **National Advisory Committee:** On March 15, 2016, Canada invited the Assembly of First Nations, as co-chair of the National Advisory Committee, to initiate discussions on the re-establishment of this entity. The invitation was extended to the Caring Society and the Canadian Human Rights Commission. As previously noted, Canada believes the establishment of this Committee is a crucial step in addressing the medium to long-term changes to the FNCFS Program.
 - **Ontario and the 1965 Welfare Agreement:** On March 10, 2016, a meeting took place between then INAC Deputy Minister, Colleen Swords, and Ontario Ministry of Aboriginal Affairs Deputy Minister, Deborah Richardson, to discuss various issues, including child welfare in Ontario. Subsequently, on March 11, 2016, INAC Minister, Carolyn Bennett, met with Ontario's Minister of Aboriginal Affairs, the Honourable David Zimmer, to discuss key priority areas, including First Nations Child and Family Services in Ontario and the need to review the Ontario 1965 Agreement. These meetings have set the stage for the more substantive discussions that will take place with the First Nations.

- **Jordan's Principle:** INAC and Health Canada have begun discussions on the process for expanding the definition of Jordan's Principle, improving its implementation and identifying other partners who should be involved in this process. Over the next two to three months, Canada will begin engaging First Nations and the provinces and territories in these discussions. Beyond this, INAC will work with Health Canada and continue to engage with Indigenous peoples as partners to make real progress on the issues most important to them including health and mental health care.

SUBMISSIONS IN RESPONSE TO THE MARCH 31, 2016 REPLY SUBMISSIONS

10. Canada provides the following comments in response to the March 31, 2016 reply submissions of the Complainants, Commission and Chiefs of Ontario.
11. Any future National Advisory Committee discussions could include how best to determine the role of regional tables, links to First Nations organizations and provincial/territorial officials, as well as guiding principles and terms of reference similar to the previous iteration of the National Advisory Committee.
12. Canada's proposed approach to legal fees is appropriate and defensible in that it is the primary approach in determining the rates for counsel in cases where the federal government is ordered to pay for counsel. However, given the concerns raised in the Chiefs of Ontario and Caring Society submissions, Canada is willing to discuss additional options.
13. INAC has revised the Jordan's Principle section of its website reflecting that the federal response is under review in light of the Tribunal decision.
14. Canada will invite all parties to an information sharing session on its costing analysis for the immediate relief measures and will provide the relevant materials for this session.

15. If the parties are willing, a session could be organized to serve as an initial discussion on program reform, engagement and the other areas of possible support identified in Canada's submission of March 10, 2016 (at paragraph 30).
16. Progress updates will be provided to the Tribunal and parties on a regular basis.

CONCLUSION

17. Canada is committed to working with child and family services agencies, front-line service providers, First Nations organizations, leadership, communities, the Assembly of First Nations, the Caring Society and provinces and territories on steps towards program reform and meaningful change for children and families. The immediate relief measures outlined above are the essential first steps in this process.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

April 6, 2016



Jonathan Tarlton
Melissa Chan
Patricia MacPhee

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SUBMISSION IN REPLY TO THE RESPONDENT'S APRIL 6, 2016 SUBMISSION
REGARDING IMMEDIATE RELIEF ITEMS,
PURSUANT TO THE PANEL'S APRIL 1, 2016 DIRECTION

APRIL 11, 2016

Anne Levesque
David P. Taylor

Sebastien Grammond, Ad.E. University of Ottawa
Sarah Clarke, Clarke Child & Family Law

JURISTES POWER | POWER LAW
Suite 1103 - 130 Albert Street
Ottawa, ON K1P 5G4

Counsel for the First Nations Child and Family Caring Society of Canada

I. Overview

1. In its January 26, 2016 decision, the Tribunal found that the Respondent has been knowingly discriminating against First Nations children for nearly two decades. Specifically, the Tribunal found that "[d]espite being aware of the adverse impacts resulting from the FNCFS Program for many years, [the Respondent] has not significantly modified the program since its inception in 1990."¹

2. After leading a case that the Tribunal found to be "unreasonable, unconvincing and not supported by the preponderance of the evidence",² the Respondent now seeks to circumvent the Tribunal's process by making vague claims that it will make changes to the FNCFS Program. However, under the *Canadian Human Rights Act*, it is the Tribunal's responsibility to determine what measure needs to be taken in order to cease the discriminatory practice rather than the party that engaged in discriminatory conduct.

3. The Caring Society notes that although nearly three months have passed since the Tribunal's decision was rendered, the Respondent's submissions contain no measures to implement the Tribunal's decision beyond a vague funding announcement and a website text change. Vague promises are not enough to remedy the discrimination experienced by First Nations children, who are at a very delicate stage of development.

4. Children have only one childhood, and First Nations children have waited long enough for equality. As such, the Caring Society respectfully asks the Tribunal to issue specific orders for immediate relief and remain seized to ensure the implementation of these measures of immediate relief. This will ensure that First Nations children living on reserve and in the Yukon receive relief to redress the pressing conditions that have led to their overrepresentation in the child welfare system and that have left them without vital social services available to other Canadian children due to the Respondent's discriminatory definition of Jordan's Principle.

5. The Respondent's approach of deferring implementation of the Tribunal's decision, providing vague responses to the Caring Society's specific remedial proposals, taking an incremental approach to remediating discrimination against children who are at a vulnerable developmental stage and defaulting to government approaches that are the source of the ongoing discrimination facing First Nations children, demonstrates a significant government failure to act in the best interests of the child(ren), as required by the United Nations Convention on the Rights of the Child and the United Nations Declaration on the Rights of Indigenous Peoples. To the contrary, the Respondent's approach appears to consistently put its own convenience ahead of the needs of the children.

6. Moreover, the Respondent's failure to consult with the Assembly of First Nations and the Caring Society in the preparation of its budget allocations and immediate relief proposals is contrary to the Prime Minister's commitment to a Nation to Nation relationship, the Truth and

¹ *FNCFCSC et al v Attorney General of Canada*, 2016 CHRT 2 at para 461.

² *FNCFCSC et al v Attorney General of Canada*, 2016 CHRT 2 at para 460.

Reconciliation Commission's Calls to Action, and the principles of free, prior and informed consent.

II. The Respondent's attempt to circumvent the Tribunal's process

7. The Caring Society acknowledges the Respondent's provision of further details in its April 6, 2016 submission. However, the Respondent has only provided general details. It remains unclear to what extent the funds announced in the March 22, 2016 federal budget will address the systemic breach of the *Canadian Human Rights Act* identified in the Tribunal's January 26, 2016 ruling.

8. The Caring Society remains concerned regarding the manner in which the Respondent has provided information to the Tribunal to this point, given that:

- a. The Respondent's March 10, 2016 submission provided areas in which the Respondent "might" act, with the possibility of further details being provided following the budget announcement.
- b. The Respondent delayed providing such details until April 6, 2016, even though these details were known, or ought to have been known, to the Respondent since before March 22, 2016.
- c. The Respondent did not advise the parties or the Tribunal that such details would be forthcoming until March 31, 2016 (the same day reply submissions regarding immediate relief were due), despite receiving requests for that same information from both the Caring Society and the Tribunal on March 24, 2016.
- d. The Respondent's delay pushed back the conclusion of the exchange of submissions regarding immediate relief by nearly two weeks, causing First Nations children to experience further unlawful discrimination unnecessarily and the Caring Society, the AFN, the COO, and the Commission to incur additional costs.
- e. On April 6, 2016, having finally provided additional detail regarding the March 22, 2016 budget announcement, it only provided a number of items covered in the global figures of \$54.2 million and \$16.2 million, failing to demonstrate how the funds would be specifically allocated within to the categories in question. For example, the Respondent claims it will increase the per-child amount for prevention, but provides no details regarding the amount of the increase or why it believes this amount would remediate the discrimination. Precise information regarding costing was left to a future "information sharing session", set for an undetermined time, while the Respondent's justification as to why the amounts set out in the budget are sufficient to address any of the remedial measures sought was simply not provided.

9. There is no reasonable or rational ground to delay the Tribunal's consideration of the question of immediate relief. At this stage, there is no need to accommodate the Respondent's promised "information session", particularly given that there is no indication that further or

greater immediate relief will be forthcoming in the context of such a session. The Tribunal now has the information required to render a decision on immediate relief, such that any further delay to the Tribunal's process is unwarranted and contrary to the best interests of the children.

10. The Caring Society remains hopeful that the Respondent's pattern of delay and vague replies will not be repeated throughout the consideration of medium- to long-term reform.

11. Despite the lack of detail provided, the Respondent's April 6, 2016 submissions confirm the areas requiring positive intervention from the Tribunal in order to begin narrowing the gap between First Nations children living on-reserve and in the Yukon. Indeed, the Respondent's submissions confirm the areas the Caring Society has identified as requiring immediate action that will *not* be addressed, but proposes no alternatives to address the discrimination in these areas nor does it present an argument that such immediate relief is unnecessary.

12. However, the Respondent's April 6, 2016 submissions do not provide sufficient clarity regarding the impact of the immediate relief measures that the Respondent *will* address. Given that there is insufficient detail to assess the extent to which the immediate relief measures funded will remedy the ongoing and unwavering discrimination in the FNCFS Program, the Tribunal ought to include a reporting order in its decision on immediate relief.

III. The Respondent's March 10, 2016 and April 6, 2016 submissions ignore important areas in which immediate relief is required

13. As noted in the Caring Society's March 31, 2016 reply submission at para 16, the Respondent has failed to address a number of areas in which immediate relief is required.

14. Most notably, the Respondent's only commitment with regard to the application of Jordan's Principle concerns a consultation process with no clear timelines for providing relief to First Nations children living on-reserve and in the Yukon. The Respondent's failure to immediately cease the use of its discriminatory definition of Jordan's Principle and its failure to implement Jordan's Principle's full meaning is unacceptable. The Respondent's stated commitments do not ensure substantive equality for First Nations children who seek access to essential government services that all other Canadians take for granted.

15. Jordan's Principle was unanimously endorsed by the House of Commons in 2007, and was never properly implemented. The Respondent's 2016 assertion that it has commenced discussions with Health Canada and "will begin engaging First Nations and the provinces and territories in these discussions"³ bears a striking resemblance to the Respondent's 2007 announcement that it was "working closely with Health Canada as well as provincial and First Nations partners to ensure that jurisdictional issues do not impact a child's quality of care."⁴ It is discouraging to see the Respondent excluding the complainants from these discussions, instead choosing to use the same process that resulted in the narrow definition of Jordan's Principle to

³ Respondent's April 6, 2016 further submissions on immediate relief at para 9.

⁴ Hon. Chuck Strahl and Hon. Tony Clement, *Statement from the Federal Minister of Health and Minister of Indian Affairs and Northern Development and Federal Interlocutor for Metis and Non-Status Indians regarding Motion 296, Jordan's Principle*, December 12, 2007 (CBD, Vol 3, Tab 22, p 1).

attempt to implement the Tribunal's decision. The Respondent's narrow and delayed approach to properly implementing Jordan's Principle will result in further discrimination against First Nations children.

16. Despite a clear finding that Jordan's Principle's promise has yet to be implemented, the Respondent has fallen back to the same approaches that led to the Tribunal's finding of discrimination. Without further oversight and scrutiny by the Tribunal, it is unclear to the Caring Society when a First Nations child seeking a service that is subject to dispute between two federal departments, or between provincial/territorial and federal governments will be able to access public services on the same terms as other children.

17. Additionally, the Respondent has not addressed the circumstances of small agencies. The impediments to small agencies delivering substantively equal services given their inability to achieve the same economies of scale as larger agencies will continue without further intervention from the Tribunal. This is yet another example of how the Respondent, left to its own devices, will continue to discriminate against First Nations children.

18. Equally, the Respondent has provided no assurance that, without further intervention from the Tribunal, it will cease its discriminatory internal budgeting practices, such as recovering maintenance cost overruns from the prevention and operations funding streams, or reallocating funds budgeted for other First Nations programs to cover shortfalls in the FNCFS Program.

19. Further, there is no indication that funds will be forthcoming to deal with the cost of building repairs for FNCFS Agencies to ensure health and safety standards and compliance with building codes, or to adjust for inflation, without an order from the Tribunal. There is also no indication that, of its own volition, the Respondent will review its past decisions regarding applications for new FNCFS Agencies.

20. Critically, none of the measures the Respondent indicates it is prepared to take will provide funds to allow communities to develop a culturally-based vision for their future FNCFS needs. Such community-based exercises are crucial to the success of the medium- to long-term reform of the FNCFS Program, given that, as the Tribunal held:

human rights principles, both domestically and internationally, require [the Respondent] to consider the distinct needs and circumstances of First Nations children and families living on-reserve – including their cultural, historical and geographical needs and circumstances -in order to ensure equality in the provision of child and family services to them.⁵

This vision cannot be achieved without source information on which the costing out of culturally based services and service delivery approaches can be based ..

21. Moreover, the Respondent's failure to prioritize the best interests of the children since the Tribunal ruling underscores the importance of training and policy remediation outlined in the submissions by the Assembly of First Nations. It is essential that such training be provided under

⁵ *FNCFCSC et al v Attorney General of Canada*, 2016 CHRT 2 at para 465.

the supervision of the Complainants and the Commission and that the Respondent not be left to decide for itself what training is required to ensure a cessation of the discrimination.

22. All of these issues require immediate attention. Immediate orders must be made to alleviate the discrimination faced by First Nations children in these regards, and the Tribunal must retain jurisdiction to ensure their implementation without delay.

IV. The details provided by the Respondent in its April 6, 2016 submission provide no assurances that funds allocated will be sufficient to the task at hand, or with regard to the impact of these funds in remedying the discrimination inherent to the FNCFS Program

23. While the Respondent's April 6, 2016 submissions respond to some of the questions raised by the Caring Society in its March 31, 2016 reply submission, a number of important questions remain outstanding.

24. The Respondent's April 6, 2016 submission identifies two relevant funding envelopes, without indicating how funds will be allocated to functions within those envelopes or how they will be adjusted in future years.

25. Accordingly, on the face of the Respondent's submission, it is unclear how much of the \$54.2 million identified will be allocated to each of the items the Respondent ascribes to that envelope. Given this lack of detail, it is impossible to determine whether the funds allocated will be sufficient to address the discrimination that each of these measures is intended to address. As such, the need for clear immediate relief orders from the Tribunal remains.

26. For instance, it is unclear whether the portion of the \$54.2 million that will be allocated to "upward adjustments for agencies with more than 6% of children in care" will be sufficient to provide all FNCFS Agencies with funding commensurate to the number of children in care. Based on the information the Respondent has provided, it is entirely possible that a First Nation with 12% of its children in care would only see an upward adjustment from 6% to 8%.

27. Further, it is unclear how the portion of the \$54.2 million dedicated to "immediate adjustments to Operations and Prevention through additional investments to update existing funding arrangements" will address the "incentive to remove children from their homes as a first resort rather than as a last resort"⁶ identified in the Tribunal's January 26, 2016 decision.

28. With regard to the \$16.2 million allocated to prevention funding in Ontario, British Columbia, New Brunswick, Newfoundland and Labrador, and Yukon, it is unclear how much funding is to be allocated to each jurisdiction. Further, it is unclear whether providing funding at "nationally-consistent levels across all jurisdictions" will be sufficient to address the greater cost of providing prevention services in remote communities, notably in northern Ontario and Labrador.

⁶ *FNCFCSC et al v Attorney General of Canada*, 2016 CHRT 2 at para 344.

29. Importantly the Respondent provides no explanation as to why the amounts announced on March 22, 2016 fall far short of the \$108.13 million identified in 2012 by the Respondent as being required to implement a "fully expanded EPFA" in all jurisdictions.⁷ Given inflation and increasing needs, the cost of implementing relief that would have mitigated the discrimination in the FNCFS Program to a similar extent as the proposed "fully expanded EPFA" should have increased, instead of decreasing by \$48.83 million as the Respondent's submissions suggest.

30. Similarly, the Respondent provides no explanation as to why the \$16.2 million it says is allocated to prevention funding in Ontario, British Columbia, New Brunswick, Newfoundland and Labrador and Yukon falls far short of the \$32 million identified in 2012 as necessary to implement a "non-expanded" version of EPFA in those jurisdictions.⁸

31. The Respondent has also failed to provide any explanation as to what measures it will implement in existing EPFA jurisdictions to relieve discrimination arising from the EPFA formula, beyond providing an unspecified amount for intake, investigation, and legal services. It also provides no information as to how inflation losses arising from the EPFA's lack of an annual inflation adjustment will be addressed in its proposal. Here it is important to recall, that the *Way Forward* presentation suggested that, as of 2012, Departmental officials pegged the funding shortfall in existing EPFA jurisdictions at \$43.10 million, excluding adjustments for a variety of items including, but not limited to, capital, inflation, and cultural requirements.⁹

32. The Caring Society also notes that the budgetary allocations include a generous amount (\$700,000.00) for "TNAC resources" to implement reforms, but nothing to support the participation of FNCFS Agencies, the Complainants, or the interested parties.

The Tribunal ought to retain jurisdiction over immediate relief and require the Respondent to report progress within 30 days of the Tribunal's order

33. The lack of information provided by the Respondent to these points, as well as the Respondent's failure to provide detailed information in a timely manner, demonstrate the need for the Tribunal to retain jurisdiction in this matter.

34. The Respondent continues to reserve to itself the capacity to decide the measure of immediate relief required following from the Tribunal's January 26, 2016 decision. As the Tribunal determined, for nearly two decades, the Respondent has squandered its repeated opportunities to ensure that its FNCFS Program is comparable, culturally appropriate and in the best interest of First Nations children.

35. Numerous findings of discrimination have been made against the Respondent, such that the Respondent cannot be left to its own devices to remedy these wrongs. In order to prevent the Respondent from acting unilaterally (as it has done in determining which of the Caring Society's

⁷ CHRC Book of Documents, Vol 12, Tab 248, *First Nations Child and Family Services Program (FNCFS): The Way Forward* at p 16.

⁸ CHRC Book of Documents, Vol 12, Tab 248, *First Nations Child and Family Services Program (FNCFS): The Way Forward* at p 15.

⁹ CHRC Book of Documents, Vol 12, Tab 248, *First Nations Child and Family Services Program (FNCFS): The Way Forward* at p 16.

immediate relief measures to fund, how much funding to provide), the Caring Society requests that this Tribunal remain seized. By remaining seized, the Tribunal will ensure that it, and not the Respondent, remains the final arbiter of the Respondent's compliance with the *Canadian Human Rights Act*.

36. In light of the foregoing, the Caring Society seeks an order that the Respondent provide the requisite detailed costing information for the immediate relief measures it agrees to undertake, and for the further immediate relief measures the Tribunal may order, to the parties and to the Tribunal within 10 days of the Tribunal's order on immediate relief. The Caring Society also seeks an order requiring the Respondent to provide further information on its costing model(s), and the evidentiary basis supporting the costing model(s) should the parties require such information after reviewing the Respondent's information.

37. The Caring Society also seeks an order that it, the Assembly of First Nations, the Chiefs of Ontario, and the Canadian Human Rights Commission have an opportunity to make submissions on the sufficiency of the Respondent's implementation of these measures within 7 days of such details being provided, and that the Respondent have an opportunity to file reply submissions within 4 days of the complainants and interested parties' submissions being filed.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

Dated: April 11, 2016



Sebastien Gram / Anne Levesque
Sarah Clarke / David P. Taylor

Counsel for the Caring Society

CANADIAN HUMAN RIGHTS TRIBUNAL

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**RESPONDENT'S SUBMISSIONS IN RESPONSE TO THE
TRIBUNAL'S APRIL 26, 2016 RULING**

Jonathan Tarlton, Melissa Chan & Patricia MacPhee
JUSTICE CANADA
Atlantic Regional Office
5251 Duke Street, Suite 1400
Halifax, NS B3J 1P3

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1. In its April 26, 2016 Ruling¹, the Tribunal ordered INAC to provide the following:
 - i) Information on how INAC is addressing the findings in paragraphs 384 to 389 of the Tribunal's January 26, 2016 Decision² ("the Decision") in the short term;
 - ii) INAC's response to the immediate-relief items sought by the Complainants that have not already been addressed; and
 - iii) Information on budget allocations for each First Nations Child and Family Services ("FNCFS") agency and timelines for the roll out of these allocations.
2. INAC is pleased to provide the following information in response to the Tribunal's Ruling.

Part 1: Information on how INAC is addressing the findings in paragraphs 384 to 389 of the Tribunal's Decision in the short term

3. In response to the Tribunal's direction, INAC provides the below responses to the Tribunal's findings in paragraphs 384-389 of the Decision. These paragraphs outline the Tribunal's findings on the need to reform and redesign the First Nations Child and Family Services Program ("FNCFS Program"). Specifically, they deal with the identified shortcomings in funding under Directive 20-1 and the Enhanced Prevention Focused Approach ("EPFA").
 - a) ***Immediate investments to FNCFS Program funding under Budget 2016***
4. Under Budget 2016, the FNCFS Program will receive \$634.8 million in additional investments over the next five years. The investments are: \$71.1 million in 2016-17; \$98.6 million in 2017-18; \$126.3 million in 2018-19; \$162.0 million in 2019-20; and \$176.8 million in 2020-21.

¹ 2016 CHRT 10.

² 2016 CHRT 2.

5. The tables below provide a breakdown of Budget 2016 investments by region and outline existing program funding. New investments remain subject to Parliamentary and Treasury Board approvals.

Table 1: FNCFS New and Existing Program Funding

(\$ millions)	16-17	17-18	18-19	19-20	20-21	Total	Ongoing
New FNCFS Program Funding							
	71.1	98.6	126.3	162	176.8	634.8	176.8
Existing FNCFS Program Funding							
	679.0	689.9	701.2	712.5	724.1	3,506.7	724.1
GRAND TOTAL	750.1	788.5	827.5	874.5	900.9	4,141.5	900.9

Table 2: FNCFS New Investments - Regional Funding Profile

FNCFS New Investments - Regional Funding Profile

	Funding Year 1	Funding Year 2	Funding Year 3	Funding Year 4	Funding Year 5	5 Year Total
Program Integrity	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	
Quebec	\$ 9,964,819.28	\$ 11,625,622.49	\$ 13,286,425.70	\$ 16,608,032.13	\$ 16,608,032.13	\$ 68,092,931.71
Alberta	\$ 17,680,738.15	\$ 20,627,527.84	\$ 23,574,317.54	\$ 29,467,896.92	\$ 29,467,896.92	\$ 120,818,377.37
Saskatchewan	\$ 7,470,685.85	\$ 8,715,800.68	\$ 9,960,915.16	\$ 12,451,143.95	\$ 12,451,143.95	\$ 51,049,689.59
Prince Edward Island	\$ 165,233.64	\$ 192,772.58	\$ 220,311.52	\$ 275,389.40	\$ 275,389.40	\$ 1,129,096.54
Manitoba	\$ 7,494,747.60	\$ 8,743,872.20	\$ 9,992,996.80	\$ 12,491,246.00	\$ 12,491,246.00	\$ 51,214,108.60
Nova Scotia	\$ 470,373.95	\$ 548,769.61	\$ 627,165.26	\$ 783,956.58	\$ 783,956.58	\$ 3,214,221.98
Sub-total	\$ 43,248,998.46	\$ 50,454,565.39	\$ 57,662,131.98	\$ 72,017,664.98	\$ 72,017,664.98	\$ 295,518,425.79
Prevention						
New Brunswick	\$ 2,254,477.25	\$ 3,381,715.87	\$ 4,508,954.50	\$ 5,636,193.12	\$ 5,636,193.12	\$ 21,417,533.86
British Columbia	\$ 5,390,010.32	\$ 8,085,015.48	\$ 10,780,020.64	\$ 13,475,025.80	\$ 13,475,025.80	\$ 51,205,098.04
Newfoundland	\$ 1,060,132.58	\$ 1,590,198.88	\$ 2,120,265.17	\$ 2,650,331.46	\$ 2,650,331.46	\$ 10,071,259.55
Yukon	\$ 924,696.70	\$ 1,387,045.06	\$ 1,849,393.41	\$ 2,311,741.76	\$ 2,311,741.76	\$ 8,784,618.69
Ontario	\$ 8,041,829.12	\$ 11,326,642.09	\$ 14,611,455.05	\$ 18,264,318.81	\$ 18,264,318.81	\$ 70,508,563.88
Sub-total	\$ 17,671,448.98	\$ 25,770,617.57	\$ 33,670,088.76	\$ 42,337,610.95	\$ 42,337,610.95	\$ 161,987,074.01
Total	\$ 60,917,744.44	\$ 76,224,982.76	\$ 91,532,220.74	\$ 114,415,275.93	\$ 114,415,275.93	\$ 457,505,499.80
Additional Funding	Funding Year 1	Funding Year 2	Funding Year 3	Funding Year 4	Funding Year 5	5 Year Total
Growth and Cost Drivers	\$ 7,368,819.49	\$ 18,857,475.68	\$ 31,046,131.87	\$ 43,857,664.84	\$ 58,657,664.84	\$ 159,787,756.73
Case Management	\$ 2,100,000.00	\$ 2,200,000.00	\$ 2,300,000.00	\$ 2,300,000.00	\$ 2,300,000.00	\$ 11,200,000.00
O & M	\$ 700,000.00	\$ 1,300,000.00	\$ 1,400,000.00	\$ 1,400,000.00	\$ 1,400,000.00	\$ 6,200,000.00
Sub-total	\$ 10,168,819.49	\$ 22,357,475.68	\$ 34,746,131.87	\$ 47,557,664.84	\$ 62,357,664.84	\$ 177,187,156.73
Grand Total	\$ 71,086,563.94	\$ 98,582,458.45	\$ 126,278,352.62	\$ 161,972,940.77	\$ 176,772,940.77	\$ 634,693,256.53

Total amount of funds to address Growth and Cost Drivers in Year 1 is \$10M, but a portion has already been allocated to agencies for Program Integrity and Prevention.

6. The Budget 2016 investments provide increased funding to a range of existing and new budget items for Directive 20-1 and EPFA jurisdictions, including, but not limited to:
- a) a \$64.7 million upward adjustment for agencies with a child in care count above 6% over the next five years;

- b) increases for prevention-based services for all jurisdictions;
 - c) upward adjustments to staff salaries to ensure comparability with current provincial rates;
 - d) adjustments to case-worker ratios;
 - e) additional funding for off-hour emergency services;
 - f) increased investments to service purchase per child, providing approximately \$39.9 million over the next five years to all FNCFS service providers; and
 - g) additional funding over the next five years of approximately \$45 million, for intake and investigation services, which were previously managed and administered by the provinces.
7. The Budget 2016 investments also include an annual adjustment to address growth and future cost drivers (see Table 2). The cost drivers that account for average yearly growth include:
- a) child maintenance costs;
 - b) agency operating costs, including rent, transportation, IT, etc.;
 - c) salaries; and
 - d) the ratio of children in care.
8. The new investments also include funding to support the extension of provincially-managed systems to on-reserve FNCFS agencies, where opportunities exist. Investments in provincial case management systems on-reserve would support improved service delivery for FNCFS agencies and offer better opportunities for front line workers to plan and manage children in care and those at risk.

b) *INAC's response to the findings on Directive 20-1 (paragraphs 384 to 385 of the Decision)*

9. Through increased investment to the FNCFS Program, INAC is eliminating the use of Directive 20-1 in British Columbia, New Brunswick, the Yukon and Newfoundland and Labrador. Service providers will be provided funding through existing mechanisms this fiscal year; but with increased funding levels determined using the updated and improved EPFA costing model.
10. In 2016-17, INAC is investing over \$17.5 million in funding for prevention services and programs in British Columbia, New Brunswick, the Yukon and Newfoundland and Labrador (as well as in Ontario which is under the 1965 Agreement) as immediate relief.
11. The new investments effectively eliminate the Directive 20-1 funding formula, as jurisdictions will receive program funding enhancements and additional dedicated funding for prevention. This will enable service providers to recruit and retain qualified and experienced staff, including social workers and other child-welfare practitioners, to adopt more community based service structures and have the required resources to provide prevention activities that respond to their specific priorities and community needs.
12. This approach ensures that FNCFS service providers will have access to funding for prevention programs and services.

c) *INAC's response to the findings on EPFA (paragraphs 386 to 387 of the Decision)*

13. The EPFA funding model has been updated to include adjustments to expenditures that the FNCFS Program was able to address within existing policy and funding authorities. While these changes vary by jurisdiction, overall updates include:
 - a) Additional funding to address population increases by using updated 0-18 registered population levels;

- b) Allowing upward adjustments to be made for agencies with more than 6% of children in care. While FNCFS agencies are funded on an assumed base of 6% of children in care (7% in Manitoba), upward adjustments will be made for agencies with more than 6% of children in care;
 - c) Adjustments to staff salaries to ensure comparability with provincial rates;
 - d) Updates to reflect changes in provincial standards (e.g. caseload ratios for social workers or other front line workers) and to support intake and investigation services, which were previously managed and administered by provinces;
 - e) Updates to service delivery standards, such as increasing the percentage used to calculate off-hour emergency services and increased funding for staff travel;
 - f) Increased funding for agency audit, insurance and legal services; and
 - g) Increased amounts for the service purchase per child (i.e. service providers will receive \$175 per 0-18 child served, regardless of jurisdiction).
- d) *INAC's response to the findings on provincial/territorial standards (paragraphs 388 to 389 of the Decision)***
- 14. In response to the Tribunal's findings at paragraphs 388 to 389, Budget 2016 investments provide immediate relief by dedicating funding for: prevention services, salaries and benefits, training, growth and cost drivers, legal costs, insurance premiums and travel.
 - 15. Other issues raised in paragraphs 388 and 389 of the Decision will need to be addressed in the longer-term. They cannot be addressed unilaterally by INAC but will require engagement and discussion with First Nations, front-line service agencies and provincial/territorial governments. For example, fully aligning federal funding authorities with respective provincial/territorial legislation will require engagement, commitment and collaboration from provinces, territories

and First Nations.

16. More specific issues, including the issue of remoteness, multiple offices, capital infrastructure, band representatives and culturally appropriate programs and services, will also be addressed as part of future reform discussions with relevant partners and stakeholders.

Part 2: Response to the immediate relief items sought by the Complainants that had not previously been addressed in INAC's submissions

a) INAC's response to the submissions of the Caring Society

Caring Society's request: for INAC to provide funding to FNCFS agencies to develop culturally-based child and family services, programs and evaluation mechanisms.³

17. INAC recognizes the importance of culturally-based and community-supported First Nation child and family services and programming. The Department welcomes the opportunity to discuss this issue further as part of future reform options.

Caring Society's request: for INAC to provide training to its staff on the Truth and Reconciliation Commissions' report, the FNCFS Program, the Decision and Jordan's Principle.⁴

18. As noted in its submission of March 10, 2016, INAC looks forward to further discussions on improving the cultural sensitivity of its employees.

Caring Society's request: for INAC to reimburse the actual costs associated with legal fees.⁵

19. The development of a comprehensive approach to administering legal fees will require engagement, both within the federal government and with provincial and

³ February 18, 2016 (Schedule A, para. 2) and March 31, 2016 (para. 16(b)) submissions.

⁴ February 18, 2016 (Schedule A, para. 3) and March 31, 2016 (para. 19) submissions.

⁵ February 18, 2016 Submission (Schedule A, para. 4(a)) submissions.

territorial jurisdictions, as well as with First Nations partners. INAC views this as an important topic for discussion as part of reform efforts that may include, among other approaches, review of the FNCFS and other relevant program funding and policy authorities. If funding pressures associated with legal fees for a child occur within a fiscal year, INAC Regional Offices submit requests to be considered by INAC Headquarters for additional funds to cover these requirements.

*Caring Society's request: for INAC to reimburse costs related to the receipt, assessment and investigation of child protection reports.*⁶

20. Budget 2016 investments will provide approximately \$45.0 million over the next five years in additional funding to support intake and investigation services, which include activities such as the receipt, assessment and investigation of child reports. These services were previously managed and administered by provinces but currently fall within the range of FNCFS agency responsibilities.

*Caring Society's request: for INAC to pay for building repairs for FNCFS agencies.*⁷

21. INAC will pursue discussions on the broader issues of infrastructure related to FNCFS as part of future long-term reform efforts.

*Caring Society's request: for INAC to cease the practice of requiring FNCFS agencies to recover cost overruns for maintenance from prevention or operations funding streams.*⁸

22. INAC currently reimburses all eligible maintenance expenditures. A FNCFS agency's budget forecast for maintenance is based on the previous year's expenditures. If maintenance funding pressures occur within a fiscal year, INAC Regional Offices submit requests to INAC Headquarters to receive additional funds to cover these requirements. Budget 2016 investments took into account cost drivers and growth considerations, including those impacting maintenance

⁶ February 18, 2016 submissions (Schedule A, para. 4(b)) submissions.

⁷ February 18, 2016 (Schedule A, para. 4(c)) and March 31, 2016 (para. 16(c)) submissions.

⁸ February 18, 2016 (Schedule A, para. 5) and March 31, 2016 (para. 16(d)) submissions.

expenditures. It is providing \$159.0 million in additional funding over the next five years to address these issues. Should pressures exceed the allocated budget, additional resources would be secured through the above-mentioned process.

*Caring Society's request: for INAC to address funding for smaller agencies.*⁹

23. In order to fully address this matter, INAC will need to engage with First Nations and provincial partners. INAC will continue funding existing small FNCFS agencies; future approaches to funding small agencies will be part of the longer term engagement and work on reforming child and family services.

*Caring Society's request: for INAC to fund the Aboriginal Peoples Television Network.*¹⁰

24. The Aboriginal Peoples Television Network was not a party to the complaint. As a non-party, the Tribunal should not grant it relief as part of the remedies. However, INAC is willing to further consider this undertaking.

*Caring Society's request: for INAC to review decisions with respect to funding new agencies.*¹¹

25. INAC believes this to be an important topic to be addressed through partner engagement on the FNCFS Program reform. Given the provincial/territorial legislative authority, this will require engagement and agreement with provincial and territorial governments, as well as First Nations partners.

*Caring Society's request: for INAC to cease the practice of reallocating funds from other programs to cover shortfalls in FNCFS, education, social assistance and other programs.*¹²

26. Budget 2016 investments will contribute to a more stable and predictable funding environment within INAC, reducing the need for reallocations from other critical programs such as infrastructure and housing. Additionally, the amounts to address

⁹ February 18, 2016 (Schedule A, paras. 6(c) & (d)) and March 31, 2016 (para. 16(e)) submissions.

¹⁰ February 18, 2016 (Schedule A, para. 8) submissions.

¹¹ February 18, 2016 (Schedule A, para. 9) and March 31, 2016 (para. 16(f)) submissions.

¹² February 18, 2016 (Schedule A, para. 13) and March 31, 2016 (para. 16(g)) submissions.

cost drivers and growth are anticipated to reflect greater alignment with provincial and territorial growth trends and costs going forward. Any commitment relating to funding for programs other than the FNCFS Program is beyond the scope of this complaint.

*Caring Society's request: to address the issue of inflation.*¹³

27. The investments in Budget 2016 include an annual adjustment to address future cost drivers and growth. The cost drivers that account for average yearly growth include: maintenance growth; agency operating costs, excluding salaries (e.g. rent, transportation, supplies and equipment); salaries; and increases in ratios of children in care.

b) INAC's response to the submissions of the Assembly of First Nations (AFN)

*AFN request: for INAC to address the issue of performance evaluations and assessments.*¹⁴

28. The performance evaluation of specific federal civil service employees was not at issue in this complaint, nor were there allegations made against specific employees. This request goes beyond the scope of the complaint and, as such, it would not be appropriate for the Tribunal to make an order that impacts the employee-employer relationship of individuals who were not parties to the complaint. However, as noted in paragraph 18, INAC looks forward to further discussions on improving the cultural sensitivity of its employees.

*AFN request: for INAC to address intercultural competency programming.*¹⁵

29. As the relief requested in paragraph 28 is beyond the scope of this complaint, so is this request, as it is also related to the performance evaluation of federal civil service employees. However, as noted in paragraph 18, INAC looks forward to further discussions on improving the cultural sensitivity of its employees.

¹³ February 18, 2016 (Schedule A, para. 6(f)) and March 31, 2016 (para. 16(h)) submissions.

¹⁴ March 3, 2016 submissions (para. 12(b)).

¹⁵ March 3, 2016 submissions (para. 12(c)).

*AFN request: for INAC to address funding for research and scholarships for ten years and funding for conferences to present research and scholarships, which INAC representatives must attend.*¹⁶

30. This request falls outside the scope of the FNCFS Program; however, as noted in its submission of March 10, 2016, INAC is open to further discussions on support for research.

c) INAC's response to the submissions of the Chiefs of Ontario (COO)

*COO request: the Tribunal should order the 1965 Agreement be updated to reflect the full suite of services provided by other Ontario agencies.*¹⁷

31. Canada will actively work with the Province of Ontario and stakeholders such as First Nations organizations, leadership, communities, agencies and front-line service providers to achieve the necessary reforms. A meeting was held between officials at INAC and the Ontario Ministry of Aboriginal Affairs to discuss issues, including child welfare in Ontario. Subsequently, on March 11, 2016, the Minister of INAC met with the Ontario Minister of Aboriginal Affairs to discuss key priority areas, including FNCFS in Ontario and the need to review the 1965 Agreement. These meetings have set the stage for further and more substantive discussions that will take place with First Nations, including the COO and other interested parties.

*COO request: for the Tribunal to order INAC to provide funding for Band Representatives to Ontario First Nations outside of immediate relief program investments.*¹⁸

32. On May 10, 2016, INAC's Ontario regional office sent a letter to the Regional Chief Isadore Day and Provincial Deputy Minister Deborah Richardson advising them of immediate-relief investments coming to Ontario for child and family

¹⁶ March 3, 2016 submissions (paras. 12(d)(e)(f)).

¹⁷ February 18, 2016 (paras. 8-9) and March 31, 2016 (para. 10) submissions.

¹⁸ February 18, 2016 submission (paras 10-13).

services. This letter states that funding for Band Representatives will be considered as part of the FNCFS Program reform process.

*COO request: for INAC to fund the COO and Ontario child and family services agencies' participation in future studies on reforming the 1965 Agreement.*¹⁹

33. INAC is currently considering the options for engagement on reforming the 1965 Agreement, all of which involve the COO as partners. Specifics will be determined as the engagement process moves forward.

Part 3: Information on budget allocations for each FNCFS agency and timelines for the roll out of these allocations

34. The annexes listed below and attached to this report contain the information requested by the Tribunal at paragraph 23 of its April 26, 2016 Ruling with respect to the budget allocations for each FNCFS agency and timelines for when the allocations will be rolled-out.

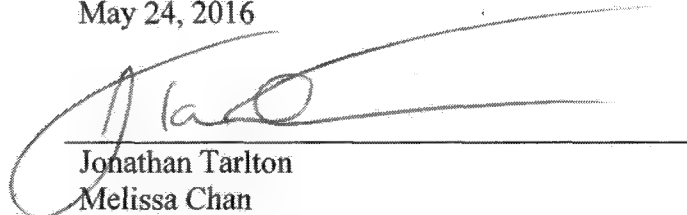
Annex A: First Nations Child and Family Services Program Service Provider Allocations - Information on Budget 2016 allocations for all FNCFS service providers, detailed information on the 15/16 and 16/17 allocations

Annex B: Information on the costing models used to make these calculations

Annex C: Information on Immediate Relief Funds

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

May 24, 2016



Jonathan Tarlton
Melissa Chan
Patricia MacPhee

¹⁹ February 18, 2016 (paras. 14-22) and March 31, 2016 (paras. 6, 10, & 14) submissions.

ANNEX A

First Nations Child and Family Services Program Service Provider Allocations

PNCTS Service Provider		# of Member Bands	2014-2015 Fiscal Year Expenditures				2015-2016 Fiscal Year Expenditures				2016-2017 Fiscal Year Initial Allocations				Budget 2018 New Investments to PNCTS Program					Total New Investments (Over 5 Years)	
			Operations and Protection	Prevention	Maintenance	Total	Operations and Protection	Prevention	Maintenance	Total	Operations and Protection	Prevention	Initial Maintenance Allocation	Total	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021		
Yukon																					
Government of Yukon		17	\$ 2,162,300.00		\$ 7,817,515.00	\$ 9,979,815.00	\$ 2,102,322.00		\$ 7,095,740.00	\$ 9,198,062.00	\$ 2,102,300.00			\$ 2,102,300.00	\$ 974,686.70	\$ 1,387,645.06	\$ 1,849,393.41	\$ 2,311,741.76	\$ 2,311,741.76	\$ 8,784,618.69	
Northwest Territories																					
Inuit Circumpolar Council (ICC)																					
Government of Northwest Territories		1	\$ 1,000,000.00		\$ 1,000,000.00	\$ 2,000,000.00	\$ 1,000,000.00		\$ 1,000,000.00	\$ 2,000,000.00	\$ 1,000,000.00			\$ 1,000,000.00	\$ 1,000,000.00	\$ 1,000,000.00	\$ 1,000,000.00	\$ 1,000,000.00	\$ 1,000,000.00	\$ 4,000,000.00	
British Columbia																					
Nanaimo (C3 Delegation)																					
Nanaimo (C3 Delegation)		1	\$ 315,433.00		\$ -	\$ 315,433.00	\$ 284,846.00		\$ -	\$ 284,846.00	\$ 280,001.00			\$ 280,001.00	\$ 70,000.00						\$ 70,000.00
Haida Child and Family Services (C3 Delegation)																					
Haida Child and Family Services (C3 Delegation)		1	\$ 355,586.00		\$ -	\$ 355,586.00	\$ 356,766.00		\$ -	\$ 356,766.00	\$ 362,513.00			\$ 362,513.00	\$ 90,638.00						\$ 90,638.00
Dene Services (C3 Delegation)																					
Dene Services (C3 Delegation)		7	\$ 665,498.00		\$ 7,331.00	\$ 672,829.00	\$ 655,217.00		\$ 43,881.00	\$ 702,118.00	\$ 660,850.00		\$ 30,074.00	\$ 690,724.00	\$ 185,189.00						\$ 185,189.00
Haituau Saale Child and Family Services (C3 Delegation)																					
Haituau Saale Child and Family Services (C3 Delegation)		1	\$ 145,899.00		\$ 17,422.00	\$ 163,321.00	\$ 317,788.00		\$ 15,000.00	\$ 338,788.00	\$ 323,812.00		\$ 15,000.00	\$ 338,788.00	\$ 80,898.00						\$ 80,898.00
Carrier (C3 Delegation)																					
Carrier (C3 Delegation)		11	\$ 1,392,789.00		\$ 2,332,180.00	\$ 3,724,969.00	\$ 1,399,822.00		\$ 2,268,241.00	\$ 3,668,063.00	\$ 972,257.00		\$ 2,268,241.00	\$ 3,229,449.00	\$ 695,781.00						\$ 695,781.00
Awas Men Men (C4 Delegation)																					
Awas Men Men (C4 Delegation)		1	\$ 992,034.00		\$ 2,955,487.00	\$ 3,947,521.00	\$ 986,289.00		\$ 3,514,693.00	\$ 4,500,982.00	\$ 580,810.00		\$ 3,506,408.00	\$ 4,087,218.00	\$ 889,909.00						\$ 889,909.00
Gwich'in (C4 Delegation)																					
Gwich'in (C4 Delegation)		1	\$ 733,539.00		\$ 346,698.00	\$ 1,080,237.00	\$ 737,384.00		\$ 345,618.00	\$ 1,082,992.00	\$ 824,111.00		\$ 339,211.00	\$ 1,163,322.00	\$ 340,829.00						\$ 340,829.00
Northwest Transition (C4 Delegation)																					
Northwest Transition (C4 Delegation)		3	\$ 1,001,389.00		\$ 32,855.00	\$ 1,034,244.00	\$ 1,021,045.00		\$ 49,729.00	\$ 1,070,774.00	\$ 1,021,045.00		\$ 49,729.00	\$ 1,070,774.00	\$ 1,121,212.00						\$ 1,121,212.00
NWT Co-Delegation																					
NWT Co-Delegation		6	\$ 994,754.00		\$ 301,186.00	\$ 1,295,940.00	\$ 966,325.00		\$ 585,366.00	\$ 1,551,691.00	\$ 950,618.00		\$ 412,491.00	\$ 1,373,109.00	\$ 346,909.00						\$ 346,909.00
Nasui Be Hunuwah C&FS (C4 Delegation)																					
Nasui Be Hunuwah C&FS (C4 Delegation)		2	\$ 373,200.00		\$ 712,050.00	\$ 1,085,250.00	\$ 364,352.00		\$ 775,854.00	\$ 1,141,306.00	\$ 374,005.00		\$ 849,362.00	\$ 1,223,367.00	\$ 425,374.00						\$ 425,374.00
Fraser Valley (C5 Delegation)																					
Fraser Valley (C5 Delegation)		10	\$ 1,582,812.00		\$ 778,618.00	\$ 2,361,430.00	\$ 1,467,014.00		\$ 651,131.00	\$ 2,118,145.00	\$ 935,179.00		\$ 566,124.00	\$ 1,501,303.00	\$ 680,427.00						\$ 680,427.00
Lakeland Human Services (C5 Delegation)																					
Lakeland Human Services (C5 Delegation)		1	\$ 1,313,850.00		\$ 724,558.00	\$ 2,038,408.00	\$ 1,317,885.00		\$ 762,724.00	\$ 2,080,609.00	\$ 1,025,511.00		\$ 817,803.00	\$ 1,843,314.00	\$ 762,594.00						\$ 762,594.00
Kwamehwee Society & CFS (C5 Delegation)																					
Kwamehwee Society & CFS (C5 Delegation)		3	\$ 315,101.00		\$ 430,889.00	\$ 745,990.00	\$ 499,894.00		\$ 335,530.00	\$ 835,424.00	\$ 370,595.00		\$ 358,124.00	\$ 728,719.00	\$ 408,880.00						\$ 408,880.00
Nina-Thompson Child and Family Services (C5 Delegation)																					
Nina-Thompson Child and Family Services (C5 Delegation)		6	\$ 622,337.00		\$ 449,934.00	\$ 1,072,271.00	\$ 622,337.00		\$ 422,763.00	\$ 1,045,100.00	\$ 381,378.00		\$ 307,037.00	\$ 688,415.00	\$ 385,804.00						\$ 385,804.00
Nuu-Chah-Nulth Community Human Services (C5 Delegation)																					
Nuu-Chah-Nulth Community Human Services (C5 Delegation)		14	\$ 1,624,028.00		\$ 98,180.00	\$ 1,722,208.00	\$ 1,599,950.00		\$ 739,267.00	\$ 2,399,217.00	\$ 1,074,065.00		\$ 784,468.00	\$ 1,858,533.00	\$ 738,083.00						\$ 738,083.00
Sow-Ekwa Child and Family Services (C5 Delegation)																					
Sow-Ekwa Child and Family Services (C5 Delegation)		3	\$ 334,475.00		\$ 729,987.00	\$ 1,064,462.00	\$ 335,889.00		\$ 632,484.00	\$ 1,446,373.00	\$ 404,075.00		\$ 612,032.00	\$ 1,026,107.00	\$ 520,729.00						\$ 520,729.00
Kwamuk-Lakem Child and Family Services (C5 Delegation)																					
Kwamuk-Lakem Child and Family Services (C5 Delegation)		3	\$ 1,079,445.00		\$ 1,247,438.00	\$ 2,326,883.00	\$ 1,069,987.00		\$ 1,187,960.00	\$ 2,257,947.00	\$ 1,137,993.00		\$ 1,192,032.00	\$ 2,330,025.00	\$ 688,499.00						\$ 688,499.00
Kwamehwee Child and Family Services (C5 Delegation)																					
Kwamehwee Child and Family Services (C5 Delegation)		7	\$ 984,899.00		\$ 1,554,441.00	\$ 2,489,409.00	\$ 918,949.00		\$ 1,415,334.00	\$ 2,334,283.00	\$ 738,874.00		\$ 1,127,030.00	\$ 1,865,904.00	\$ 772,186.00						\$ 772,186.00
Ktunaxa Kinbasket (C5 Delegation)																					
Ktunaxa Kinbasket (C5 Delegation)		1	\$ 241,812.00		\$ 308,546.00	\$ 544,764.00	\$ 247,191.00		\$ 419,496.00	\$ 544,764.00	\$ 253,981.00		\$ 467,114.00	\$ 721,095.00	\$ 261,922.00						\$ 261,922.00
Spallumcheen/Chilcotin? (Bylaw)																					
Spallumcheen/Chilcotin? (Bylaw)		1	\$ 360,871.00		\$ 840,346.00	\$ 1,201,217.00	\$ 330,271.00		\$ 773,248.00	\$ 1,103,519.00	\$ 88,807.00		\$ 749,674.00	\$ 832,481.00	\$ 383,697.00						\$ 383,697.00
Province of BC																					
Province of BC		87	\$ 18,900,000.00		\$ 10,100,447.00	\$ 29,000,447.00	\$ 18,900,000.00		\$ 10,100,447.00	\$ 29,000,447.00	\$ 18,900,000.00		\$ 10,100,447.00	\$ 29,000,447.00	\$ 18,900,000.00						\$ 18,900,000.00
Alberta																					
AKO																					
AKO		7	\$ 1,530,162.00	\$ 565,528.00	\$ 6,800,000.00	\$ 8,895,690.00	\$ 1,317,424.00	\$ 526,410.00	\$ 4,800,000.00	\$ 6,643,834.00	\$ 1,317,724.00	\$ 526,710.00	\$ 3,094,839.00	\$ 5,359,292.00	\$ 891,829.89	\$ 990,487.04	\$ 1,129,105.18	\$ 1,286,381.48	\$ 1,286,381.48	\$ 5,884,164.07	
ATO																					
ATO		1	\$ 960,337.00	\$ 272,560.00	\$ 2,029,522.00	\$ 3,262,419.00	\$ 978,457.00	\$ 271,680.00	\$ 2,021,177.00	\$ 3,271,314.00	\$ 978,387.00	\$ 272,330.00	\$ 1,941,854.00	\$ 3,192,567.00	\$ 563,171.75	\$ 664,554.05	\$ 719,614.32	\$ 849,320.08	\$ 849,320.08	\$ 5,894,032.37	
Bigstone																					
Bigstone		1	\$ 1,530,881.00	\$ 570,710.00	\$ 1,782,552.00	\$ 3,883,633.00	\$ 1,533,011.00	\$ 571,100.00	\$ 2,051,180.00	\$ 4,156,251.00	\$ 1,533,011.00	\$ 571,960.00	\$ 2,327,795.00	\$ 4,831,787.00	\$ 852,608.00	\$ 994,103.35	\$ 1,135,181.13	\$ 1,420,147.86	\$ 1,420,147.86	\$ 5,822,605.41	
Bedford Thine																					
Bedford Thine		2	\$ 2,844,140.00	\$ 1,231,980.00	\$ 2,020,528.00	\$ 6,096,648.00	\$ 2,833,864.00	\$ 1,233,860.00	\$ 2,474,760.00	\$ 6,542,484.00	\$ 2,833,864.00	\$ 1,233,860.00	\$ 2,474,760.00	\$ 6,542,484.00	\$ 1,233,860.00	\$ 1,233,860.00	\$ 1,233,860.00	\$ 1,233,860.00	\$ 1,233,860.00	\$ 1,233,860.00	\$ 4,919,512.00
ECWS																					
ECWS		1	\$ 2,841,740.00	\$ 1,219,510.00	\$ 17,329,617.00	\$ 21,390,867.00	\$ 2,841,740.00	\$ 1,219,510.00	\$ 17,329,617.00	\$ 21,390,867.00	\$ 2,841,740.00	\$ 1,219,510.00	\$ 17,329,617.00	\$ 21,390,867.00	\$ 2,841,740.00	\$ 1,219,510.00	\$ 17,329,617.00	\$ 21,390,867.00	\$ 21,390,867.00	\$ 21,390,867.00	\$ 85,177,486.00
ETC CFS																					
ETC CFS		3	\$ 1,768,832.00	\$ 894,300.00	\$ 2,480,519.00	\$ 5,143,651.00	\$ 1,779,582.00	\$ 893,750.00	\$ 2,478,176.00	\$ 5,140,508.00	\$ 1,779,582.00	\$ 893,660.00	\$ 2,494,459.00	\$ 5,166,491.00	\$ 1,020,928.82	\$ 1,166,039.19	\$ 1,351,288.19	\$ 1,751,547.70	\$ 1,751,547.70	\$ 6,776,345.70	
JERCC																					
JERCC		1	\$ 2,427,880.00	\$ 1,084,320.00	\$ 2,165,519.00	\$ 5,678,719.00	\$ 2,407,560.00	\$ 1,083,750.00	\$ 2,603,612.00	\$ 6,135,492.00	\$ 2,426,300.00	\$ 1,095,530.00	\$ 2,777,654.00	\$ 6,304,744.00	\$ 1,024,164.98	\$ 1,166,039.19	\$ 1,351,288.19	\$ 1,751,547.70	\$ 1,751,547.70	\$ 6,776,345.70	
LUS																					
LUS		1	\$ 3,285,722.00	\$ 412,420.00	\$ 4,020,000.00	\$ 7,718,142.00	\$ 3,285,722.00	\$ 412,420.00	\$ 4,020,000.00	\$ 7,718,142.00	\$ 3,285,722.00	\$ 412,420.00	\$ 4,020,000.00	\$ 7,718,142.00	\$ 3,285,722.00	\$ 412,420.00	\$ 4,020,000.00	\$ 7,718,142.00	\$ 7,718,142.00	\$ 7,718,142.00	\$ 30,516,568.00
MGTCCFS																					
MGTCCFS		1	\$ 1,789,204.00	\$ 417,897.00	\$ 4,887,239.00	\$ 6,584,340.00	\$ 1,805,778.00	\$ 417,208.00	\$ 4,818,762.00	\$ 6,421,977.00	\$ 1,805,778.00	\$ 417,208.00	\$ 4,818,762.00	\$ 6,421,977.00	\$ 1,805,778.00	\$ 417,208.00	\$ 4,818,762.00	\$ 6,421,977.00	\$ 6,421,977.00	\$ 6,421,977.00	\$ 25,719,954.00
MPTC																					
MPTC		3	\$ 1,206,427.00	\$ 429,120.00	\$ 2,095,499.00	\$ 4,736,046.00	\$ 1,207,077.00	\$ 423,570.00	\$ 2,699,658.00	\$ 5,326,312.00	\$ 1,207,077.00	\$ 423,570.00	\$ 2,699,658.00	\$ 5,326,312.00	\$ 1,207,077.00	\$ 423,570.00	\$ 2,699,658.00	\$ 5,326,312.00	\$ 5,326,312.00	\$ 5,326,312.00	\$ 20,519,954.00
PNTCC																					
PNTCC		1	\$ 973,137.00	\$ 276,580.00	\$ 1,083,188.00	\$ 2,332,905.00	\$ 973,137.00	\$ 276,580.00	\$ 1,083,188.00	\$ 2,332,905.00	\$ 973,137.00	\$ 276,580.00	\$ 1,083,188.00	\$ 2,332,905.00	\$ 973,137.00	\$ 276,580.00	\$ 1,083,188.00	\$ 2,332,905.00	\$ 2,332,905.00	\$ 2,332,905.00	\$ 9,419,954.00
Seaside Lake																					
Seaside Lake		1	\$ 1,762,355.00	\$ 895,351.00	\$ 6,159,396.00	\$ 8,817,102.00	\$ 1,762,355.00	\$ 895,351.00	\$ 6,159,396.00	\$ 8,817,102.00	\$ 1,762,355.00	\$ 895,351.00	\$ 6,159,396.00	\$ 8,817,102.00	\$ 1,762,355.00	\$ 895,351.00	\$ 6,159,396.00	\$ 8,817,102.00	\$ 8,817,102.00	\$ 8,817,102.00	\$ 35,419,954.00
Stikine																					
Stikine		1	\$ 1,767,082.00	\$ 692,450.00	\$ 5,000,000.00	\$ 7,459,532.00	\$ 1,643,555.00	\$ 677,800.00	\$ 3,583,926.00	\$ 5,905,281.00	\$ 1,775,322.00	\$ 692,700.00	\$ 2,469,670.00	\$ 5,435,912.00	\$ 992,289.12	\$ 1,158,220.04	\$ 1,323,422.18	\$ 1,654,315.92	\$ 1,654,315.92	\$ 6,776,912.32	
Toney																					
Toney		1	\$ 2,107,389.00	\$ 448,480.00	\$ 7,050,802.00	\$ 10,106,671.00	\$ 2,117,699.00	\$ 448,540.00	\$ 7,050,802.00	\$ 10,267,041.00	\$ 2,116,419.00	\$ 447,930.00	\$ 7,050,802.00	\$ 10,267,041.00	\$ 2,116,419.00	\$ 447,930.00	\$ 7,050,802.00	\$ 7,050,802.00	\$ 7,050,802.00	\$ 28,404,022.00	
TUCFS																					
TUCFS		1	\$ 1,648,615.00	\$ 2,216,210.00	\$ 2,216,210.00	\$ 6,081,035.00	\$ 1,648,615.00	\$ 2,216,210.00	\$ 6,081,035.00	\$ 6,081,035.00	\$ 1,648,615.00	\$ 2,216,210.00	\$ 6,081,035.00	\$ 6,081,035.00	\$ 1,648,615.00	\$ 2,216,210.00	\$ 6,081,035.00	\$ 6,081,035.00	\$ 6,081,035.00	\$ 6,081,035.00	\$ 24,479,954.00
Time - Inc																					
Time - Inc		1	\$ 972,337.00	\$ 275,582.00	\$ 1,643,711.00	\$ 2,891,628.00	\$ 983,087.00	\$ 276,320.00	\$ 1,979,308.00	\$ 3,238,725.00	\$ 984,087.00	\$ 277,990.00	\$ 1,971,293.00	\$ 3,274,904.00	\$ 746,423.26	\$ 903,823.81	\$ 1,038,024.35	\$ 1,274,005.44	\$ 1,274,005.44	\$ 5,264,168.49	
WCTC																					
WCTC																					

ANNEX A

First Nations Child and Family Services Program Service Provider Allocations

FNCS Service Provider		# of Member Bands	2014-2015 Fiscal Year Expenditures				2015-2016 Fiscal Year Expenditures				2016-2017 Fiscal Year Initial Allocations				Budget 2016 New Investments to FNCS Program					Total New Investments (Over 5 Years)
Operations and Protection	Prevention		Maintenance	Total	Operations and Protection	Prevention	Maintenance	Total	Operations and Protection	Prevention	Initial Maintenance Allocation	Total	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021			
Saskatchewan																				
Agency Chiefs	3	\$ 2,148,603.00	\$ 870,487.00	\$ 2,138,600.00	\$ 5,157,702.00	\$ 2,406,577.00	\$ 1,036,063.00	\$ 2,168,865.00	\$ 5,611,505.00	\$ 2,154,547.00	\$ 881,712.00	\$ 2,000,000.00	\$ 5,036,259.00	\$ 403,376.20	\$ 480,459.34	\$ 540,036.28	\$ 686,370.35	\$ 660,370.33	\$ 2,805,872.42	
Akwikewas	1	\$ 1,117,186.00	\$ 298,357.00	\$ 938,045.00	\$ 2,414,008.00	\$ 1,186,770.00	\$ 339,055.00	\$ 814,965.00	\$ 2,420,790.00	\$ 1,181,082.00	\$ 303,387.00	\$ 800,000.00	\$ 2,284,442.00	\$ 227,480.70	\$ 278,794.74	\$ 280,926.18	\$ 376,138.35	\$ 376,138.35	\$ 1,653,653.92	
Ashkewas/Turk Dene	3	\$ 2,065,881.00	\$ 1,123,818.00	\$ 2,128,330.00	\$ 5,317,930.00	\$ 2,081,834.00	\$ 1,130,585.00	\$ 2,580,455.00	\$ 5,694,914.00	\$ 2,091,687.00	\$ 1,130,585.00	\$ 1,800,000.00	\$ 5,022,272.00	\$ 335,934.50	\$ 401,544.04	\$ 458,907.48	\$ 573,634.35	\$ 573,634.35	\$ 2,445,064.82	
BTC	3	\$ 1,135,686.00	\$ 308,057.00	\$ 723,530.00	\$ 2,167,253.00	\$ 1,179,395.00	\$ 312,380.00	\$ 1,075,734.00	\$ 2,567,499.00	\$ 1,180,332.00	\$ 313,317.00	\$ 1,000,000.00	\$ 2,493,649.00	\$ 289,857.75	\$ 306,801.24	\$ 350,744.76	\$ 434,430.35	\$ 434,430.35	\$ 1,824,363.97	
Kenewas/mik	1	\$ 2,092,544.00	\$ 767,482.00	\$ 2,185,423.00	\$ 4,935,451.00	\$ 2,014,999.00	\$ 755,310.00	\$ 2,755,295.00	\$ 5,565,604.00	\$ 2,033,812.00	\$ 754,132.00	\$ 2,400,000.00	\$ 5,187,932.00	\$ 323,939.20	\$ 387,518.84	\$ 442,875.88	\$ 553,598.35	\$ 553,598.35	\$ 2,364,007.22	
La Ronge	1	\$ 2,943,070.00	\$ 1,486,344.00	\$ 2,210,175.00	\$ 6,645,589.00	\$ 2,862,904.00	\$ 1,517,129.00	\$ 1,863,686.00	\$ 6,243,719.00	\$ 2,954,904.00	\$ 1,514,139.00	\$ 1,800,000.00	\$ 6,274,033.00	\$ 549,685.20	\$ 650,919.74	\$ 713,926.78	\$ 829,855.35	\$ 829,855.35	\$ 3,654,283.92	
Meadow Lake	1	\$ 3,195,967.00	\$ 1,485,037.00	\$ 3,027,323.00	\$ 6,652,227.00	\$ 3,185,325.00	\$ 1,501,768.00	\$ 2,493,653.00	\$ 7,179,746.00	\$ 3,186,325.00	\$ 1,499,768.00	\$ 2,200,000.00	\$ 6,986,093.00	\$ 641,725.20	\$ 758,299.74	\$ 856,618.28	\$ 1,089,283.35	\$ 1,089,283.35	\$ 4,653,223.92	
Montreal Lake	1	\$ 1,817,963.00	\$ 485,388.00	\$ 1,527,529.00	\$ 3,830,880.00	\$ 1,565,674.00	\$ 490,841.00	\$ 1,731,061.00	\$ 3,787,576.00	\$ 1,547,174.00	\$ 492,141.00	\$ 1,630,000.00	\$ 3,669,317.00	\$ 176,942.20	\$ 216,041.24	\$ 246,904.76	\$ 308,630.35	\$ 308,630.35	\$ 1,257,134.42	
Nashapewi	1	\$ 1,894,944.00	\$ 759,819.00	\$ 754,690.00	\$ 3,409,453.00	\$ 2,007,375.00	\$ 774,033.00	\$ 783,516.00	\$ 3,564,914.00	\$ 2,046,187.00	\$ 776,698.00	\$ 780,000.00	\$ 3,596,885.00	\$ 336,189.20	\$ 404,150.84	\$ 451,888.68	\$ 577,518.35	\$ 577,518.35	\$ 2,358,928.22	
Orion Lake	1	\$ 2,041,241.00	\$ 817,072.00	\$ 1,635,100.00	\$ 4,493,413.00	\$ 2,156,716.00	\$ 874,724.00	\$ 1,514,763.00	\$ 4,546,203.00	\$ 2,261,760.00	\$ 877,714.00	\$ 1,600,000.00	\$ 4,741,520.00	\$ 596,748.20	\$ 709,824.24	\$ 806,694.76	\$ 1,008,910.35	\$ 1,008,910.35	\$ 4,235,667.42	
Peter Ballentine	1	\$ 3,045,512.00	\$ 1,506,489.00	\$ 1,777,851.00	\$ 6,329,852.00	\$ 3,107,700.00	\$ 1,631,163.00	\$ 1,927,924.00	\$ 6,666,787.00	\$ 3,173,454.00	\$ 1,526,816.00	\$ 1,800,000.00	\$ 6,499,310.00	\$ 775,540.80	\$ 933,751.54	\$ 1,043,719.48	\$ 1,304,649.35	\$ 1,304,649.35	\$ 5,440,816.92	
QCS	4	\$ 1,190,766.00	\$ 318,157.00	\$ 888,444.00	\$ 2,405,371.00	\$ 1,179,582.00	\$ 318,167.00	\$ 746,687.00	\$ 2,244,436.00	\$ 1,183,270.00	\$ 321,855.00	\$ 815,000.00	\$ 2,320,125.00	\$ 301,599.40	\$ 361,439.64	\$ 419,078.88	\$ 516,343.35	\$ 516,343.35	\$ 2,108,797.82	
UTC	7	\$ 2,009,521.00	\$ 868,834.00	\$ 1,502,000.00	\$ 4,378,337.00	\$ 2,153,984.00	\$ 883,049.00	\$ 1,500,000.00	\$ 4,537,033.00	\$ 2,043,673.00	\$ 876,174.00	\$ 1,800,000.00	\$ 4,719,847.00	\$ 488,874.80	\$ 591,640.94	\$ 676,161.28	\$ 845,201.35	\$ 845,201.35	\$ 3,607,079.92	
Sturgeon Lake	1	\$ 1,399,276.00	\$ 446,280.00	\$ 1,508,030.00	\$ 3,353,586.00	\$ 1,460,967.00	\$ 451,193.00	\$ 708,775.00	\$ 2,620,965.00	\$ 1,183,395.00	\$ 307,280.00	\$ 900,000.00	\$ 1,990,675.00	\$ 203,996.55	\$ 240,153.64	\$ 240,174.58	\$ 300,218.35	\$ 300,218.35	\$ 1,237,864.77	
Toughwood	1	\$ 1,999,381.00	\$ 750,919.00	\$ 1,271,235.00	\$ 4,021,535.00	\$ 2,262,921.00	\$ 883,449.00	\$ 664,149.00	\$ 3,810,519.00	\$ 2,045,298.00	\$ 874,687.00	\$ 900,000.00	\$ 3,819,985.00	\$ 574,426.20	\$ 697,785.34	\$ 778,698.68	\$ 979,123.35	\$ 979,123.35	\$ 3,875,375.92	
Wahkiatowin	1	\$ 1,156,916.00	\$ 292,807.00	\$ 305,834.00	\$ 1,755,557.00	\$ 1,170,707.00	\$ 296,992.00	\$ 382,527.00	\$ 1,850,226.00	\$ 1,179,707.00	\$ 296,992.00	\$ 410,000.00	\$ 1,886,699.00	\$ 262,375.15	\$ 274,721.54	\$ 313,967.48	\$ 392,459.35	\$ 392,459.35	\$ 1,633,682.87	
UTC	16	\$ 3,086,025.00	\$ 1,563,912.00	\$ 3,198,658.00	\$ 7,850,595.00	\$ 3,177,575.00	\$ 1,480,518.00	\$ 3,725,850.00	\$ 8,383,943.00	\$ 3,142,075.00	\$ 1,480,518.00	\$ 3,000,000.00	\$ 8,222,593.00	\$ 973,084.80	\$ 1,144,852.94	\$ 1,328,402.08	\$ 1,635,501.35	\$ 1,635,501.35	\$ 6,897,309.92	
Government of Saskatchewan	3	\$ 14,046,206.00	\$ 5,488,878.00	\$ 14,046,206.00	\$ 43,581,290.00	\$ 14,046,206.00	\$ 5,488,878.00	\$ 14,046,206.00	\$ 43,581,290.00	\$ 14,046,206.00	\$ 5,488,878.00	\$ 14,046,206.00	\$ 43,581,290.00	\$ 14,046,206.00	\$ 5,488,878.00	\$ 14,046,206.00	\$ 14,046,206.00	\$ 14,046,206.00	\$ 57,151,111.81	
Alberta																				
Akwikewas Agency	11	\$ 5,078,948.37	\$ 2,851,381.81	\$ 11,273,955.00	\$ 19,204,285.08	\$ 5,078,948.37	\$ 2,851,381.81	\$ 11,273,955.00	\$ 19,204,285.08	\$ 5,069,658.00	\$ 2,851,382.00	\$ 11,200,000.00	\$ 19,130,330.18	\$ 1,820,839.20	\$ 2,101,022.40	\$ 2,421,145.82	\$ 3,001,432.00	\$ 3,001,432.00	\$ 12,305,871.20	
Chase Nation Child and Family Services Agency	7	\$ 4,040,663.00	\$ 2,530,754.00	\$ 4,800,000.00	\$ 11,371,417.00	\$ 2,941,399.71	\$ 1,598,456.48	\$ 5,969,307.00	\$ 10,509,163.20	\$ 4,051,377.00	\$ 2,320,734.00	\$ 5,500,000.00	\$ 11,872,112.00	\$ 389,258.40	\$ 454,134.80	\$ 510,021.20	\$ 648,764.00	\$ 648,764.00	\$ 2,699,832.40	
Inland Lake Child and Family Services	4	\$ 4,870,486.00	\$ 2,790,852.00	\$ 3,153,733.00	\$ 10,815,071.00	\$ 4,040,662.83	\$ 2,320,753.61	\$ 4,973,189.00	\$ 11,334,555.44	\$ 4,881,195.00	\$ 2,790,952.00	\$ 4,000,000.00	\$ 11,672,147.00	\$ 547,650.80	\$ 638,925.70	\$ 730,220.80	\$ 912,751.00	\$ 912,751.00	\$ 3,742,276.10	
Kenosia Sial Mowhawk Agency	1	\$ 2,820,987.00	\$ 1,612,278.00	\$ 5,000,000.00	\$ 9,433,265.00	\$ 4,870,486.00	\$ 2,790,952.00	\$ 5,400,000.00	\$ 11,881,438.00	\$ 2,831,877.00	\$ 1,612,278.00	\$ 4,200,000.00	\$ 8,643,855.00	\$ 404,184.00	\$ 471,548.00	\$ 538,912.00	\$ 673,640.00	\$ 673,640.00	\$ 2,781,824.00	
Nahkewasik Cree Nation Wellness Centre	3	\$ 2,174,723.00	\$ 1,627,810.00	\$ 3,250,000.00	\$ 6,052,533.00	\$ 2,820,987.38	\$ 1,612,277.79	\$ 4,535,897.00	\$ 9,000,161.07	\$ 2,885,412.00	\$ 1,612,278.00	\$ 3,200,000.00	\$ 7,717,851.00	\$ 201,851.80	\$ 231,181.50	\$ 289,292.40	\$ 335,988.00	\$ 335,988.00	\$ 1,377,539.00	
Oxaplawas Cree Nation CFS Agency	1	\$ 2,824,713.00	\$ 1,612,278.00	\$ 5,000,000.00	\$ 9,433,265.00	\$ 2,824,713.00	\$ 1,612,277.79	\$ 4,535,897.00	\$ 9,000,161.07	\$ 2,885,412.00	\$ 1,612,278.00	\$ 3,200,000.00	\$ 7,717,851.00	\$ 201,851.80	\$ 231,181.50	\$ 289,292.40	\$ 335,988.00	\$ 335,988.00	\$ 1,377,539.00	
Niisaanawak Agency	1	\$ 2,824,713.00	\$ 1,612,278.00	\$ 5,000,000.00	\$ 9,433,265.00	\$ 2,824,713.00	\$ 1,612,277.79	\$ 4,535,897.00	\$ 9,000,161.07	\$ 2,885,412.00	\$ 1,612,278.00	\$ 3,200,000.00	\$ 7,717,851.00	\$ 201,851.80	\$ 231,181.50	\$ 289,292.40	\$ 335,988.00	\$ 335,988.00	\$ 1,377,539.00	
Amikewas Child and Family Services	1	\$ 2,824,713.00	\$ 1,612,278.00	\$ 5,000,000.00	\$ 9,433,265.00	\$ 2,824,713.00	\$ 1,612,277.79	\$ 4,535,897.00	\$ 9,000,161.07	\$ 2,885,412.00	\$ 1,612,278.00	\$ 3,200,000.00	\$ 7,717,851.00	\$ 201,851.80	\$ 231,181.50	\$ 289,292.40	\$ 335,988.00	\$ 335,988.00	\$ 1,377,539.00	
Deltona Child and Family Services	7	\$ 3,211,516.00	\$ 1,769,724.00	\$ 5,000,000.00	\$ 9,976,240.00	\$ 3,212,515.99	\$ 1,769,723.72	\$ 5,000,000.00	\$ 9,982,239.71	\$ 3,227,161.00	\$ 1,769,724.00	\$ 5,000,000.00	\$ 9,996,885.00	\$ 720,926.20	\$ 832,721.90	\$ 974,841.50	\$ 1,218,177.00	\$ 1,218,177.00	\$ 4,894,245.10	
Interlake Child and Family Services	3	\$ 1,327,426.00	\$ 611,438.00	\$ 775,955.00	\$ 2,708,219.00	\$ 1,327,426.00	\$ 611,438.00	\$ 775,955.00	\$ 2,708,219.00	\$ 1,327,426.00	\$ 611,438.00	\$ 775,955.00	\$ 2,708,219.00	\$ 1,327,426.00	\$ 611,438.00	\$ 775,955.00	\$ 2,708,219.00	\$ 2,708,219.00	\$ 10,513,700.00	
Peguis Child and Family Services	1	\$ 1,749,650.00	\$ 999,124.00	\$ 850,000.00	\$ 3,598,774.00	\$ 1,749,650.00	\$ 999,124.00	\$ 850,000.00	\$ 3,539,891.00	\$ 1,755,959.00	\$ 939,124.00	\$ 953,940.00	\$ 3,651,914.00	\$ 147,514.00	\$ 172,333.00	\$ 196,562.00	\$ 246,192.00	\$ 246,192.00	\$ 1,029,381.00	
Sandy Bay First Nation Child and Family Services	1	\$ 2,180,247.00	\$ 1,167,891.00	\$ 1,325,000.00	\$ 4,673,138.00	\$ 2,179,645.22	\$ 999,124.22	\$ 2,150,000.00	\$ 4,588,773.44	\$ 2,176,447.00	\$ 1,157,991.00	\$ 1,850,000.00	\$ 5,176,438.00	\$ 185,497.20	\$ 216,413.40	\$ 247,529.50	\$ 308,562.00	\$ 308,562.00	\$ 1,275,642.20	
Sturgeon Lake Child and Family Services	1	\$ 1,771,897.00	\$ 800,784.00	\$ 2,000,000.00	\$ 4,572,681.00	\$ 1,771,897.00	\$ 800,784.00	\$ 2,000,000.00	\$ 4,572,681.00	\$ 1,771,897.00	\$ 800,784.00	\$ 2,000,000.00	\$ 4,572,681.00	\$ 1,771,897.00	\$ 800,784.00	\$ 2,000,000.00	\$ 4,572,681.00	\$ 4,572,681.00	\$ 18,291,440.00	
Southeastern Child and Family Services	1	\$ 4,379,476.00	\$ 2,371,876.00	\$ 17,700,000.00	\$ 24,451,352.00	\$ 4,400,076.21	\$ 2,371,875.67	\$ 16,899,293.00	\$ 23,671,244.88	\$ 4,406,796.00	\$ 2,371,876.00	\$ 16,200,000.00	\$ 23,993,662.00	\$ 1,803,136.20	\$ 2,173,697.00	\$ 2,484,468.00	\$ 3,165,510.00	\$ 3,165,510.00	\$ 12,765,510.00	
West Region Child and Family Services	9	\$ 3,421,650.00	\$ 1,887,203.00	\$ 4,500,000.00	\$ 9,808,853.00	\$ 3,421,646.67	\$ 1,887,209.06	\$ 4,715,819.90	\$ 9,830,227.73	\$ 3,431,850.00	\$ 1,877,769.00	\$ 4,750,000.00	\$ 9,989,119.00	\$ 360,499.20	\$ 420,582.40	\$ 480,665.80	\$ 600,832.00	\$ 600,832.00	\$ 2,463,921.20	
Alberta	3	\$ 14,046,206.00	\$ 5,488,878.00	\$ 14,046,206.00	\$ 43,581,290.00	\$ 14,046,206.00	\$ 5,488,878.00	\$ 14,0												

ANNEX A

First Nations Child and Family Services Program Service Provider Allocations

FNCS Service Provider	# of Member Bands	2014-2015 Fiscal Year Expenditures				2015-2016 Fiscal Year Expenditures				2016-2017 Fiscal Year Initial Allocation				Budget 2016 New Investments to FNCS Program					Total New Investments (Over 5 Years)
		Operations and Protection	Prevention	Maintenance	Total	Operations and Protection	Prevention	Maintenance	Total	Operations and Protection	Prevention	Initial Maintenance Allocation	Total	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	
Quebec																			
Aktion Huronne-Wendat Child and Family Services	1	\$ 387,633.00	\$ 337,296.00	\$ 299,766.00	\$ 1,024,695.00	\$ 387,033.00	\$ 315,853.00	\$ 525,483.00	\$ 1,198,369.00	\$ 387,633.00	\$ 337,286.00	\$ 246,251.00	\$ 971,170.00	\$ 456,252.00	\$ 532,794.00	\$ 608,336.00	\$ 760,420.00	\$ 760,420.00	\$ 3,117,722.00
Atinagouche Child and Family Services (Liturgic)	1	\$ 687,667.00	\$ 489,841.00	\$ 3,183,283.00	\$ 4,360,591.00	\$ 687,667.00	\$ 489,841.00	\$ 3,148,967.00	\$ 4,526,277.00	\$ 687,667.00	\$ 489,841.00	\$ 2,544,617.00	\$ 3,724,927.00	\$ 388,932.48	\$ 493,784.79	\$ 518,376.90	\$ 648,221.13	\$ 648,221.13	\$ 2,897,708.42
Gaspepoulet Child and Family Services	1	\$ 308,934.00	\$ 350,043.00	\$ 1,010,244.00	\$ 1,669,221.00	\$ 309,334.00	\$ 321,942.00	\$ 954,033.00	\$ 1,615,509.00	\$ 308,934.00	\$ 350,043.00	\$ 917,328.00	\$ 1,576,305.00	\$ 112,240.79	\$ 130,847.51	\$ 149,634.30	\$ 187,067.88	\$ 187,067.88	\$ 766,797.29
Kahnawake Child and Family Services	1	\$ 1,677,159.00	\$ 177,920.00	\$ 2,999,619.00	\$ 4,155,098.00	\$ 1,677,159.00	\$ 177,920.00	\$ 2,907,319.00	\$ 4,062,598.00	\$ 1,677,159.00	\$ 177,920.00	\$ 1,627,923.00	\$ 3,583,202.00	\$ 1,498,310.40	\$ 1,748,032.30	\$ 1,997,731.20	\$ 2,497,189.00	\$ 2,497,189.00	\$ 10,138,474.90
Kikigan Zibi Anishinabeg Child and Family Services	1	\$ 442,160.00	\$ 287,181.00	\$ 281,183.00	\$ 1,010,524.00	\$ 442,160.00	\$ 287,181.00	\$ 18,866.00	\$ 756,399.00	\$ 442,160.00	\$ 287,181.00	\$ 17,858.00	\$ 757,389.00	\$ 448,128.80	\$ 327,814.80	\$ 397,502.40	\$ 748,619.00	\$ 748,619.00	\$ 3,062,109.60
Montagnais Du Lac St Jean Child and Family Services	1	\$ 683,958.00	\$ 148,970.00	\$ 2,423,254.00	\$ 3,256,182.00	\$ 683,958.00	\$ 148,970.00	\$ 3,295,530.00	\$ 4,096,458.00	\$ 683,958.00	\$ 148,970.00	\$ 2,846,000.00	\$ 4,070,933.00	\$ 638,070.70	\$ 728,724.18	\$ 813,827.65	\$ 1,043,034.50	\$ 1,043,034.50	\$ 4,168,241.43
Attikamekw d'Opitciwan Child and Family Services	1	\$ 1,051,136.00	\$ 686,181.00	\$ 2,861,476.00	\$ 4,598,793.00	\$ 1,051,136.00	\$ 686,181.00	\$ 3,537,413.00	\$ 5,255,010.00	\$ 1,051,136.00	\$ 686,181.00	\$ 2,346,753.00	\$ 4,264,350.00	\$ 602,585.00	\$ 753,027.50	\$ 803,460.00	\$ 1,004,325.00	\$ 1,004,325.00	\$ 4,117,732.80
Uashat/Malabar Child and Family Services	1	\$ 1,087,245.00	\$ 650,297.00	\$ 5,143,816.00	\$ 6,881,358.00	\$ 1,087,245.00	\$ 650,297.00	\$ 5,763,259.00	\$ 7,500,801.00	\$ 1,087,245.00	\$ 650,297.00	\$ 3,785,852.00	\$ 5,473,394.00	\$ 1,072,709.40	\$ 1,251,484.10	\$ 1,430,279.20	\$ 1,787,849.00	\$ 1,787,849.00	\$ 7,350,180.90
Neshauguan Child and Family Services	1	\$ 417,174.00	\$ 342,429.00	\$ 416,115.00	\$ 1,175,818.00	\$ 417,174.00	\$ 342,429.00	\$ 332,752.00	\$ 1,092,355.00	\$ 417,174.00	\$ 342,429.00	\$ 162,863.00	\$ 946,486.00	\$ 393,014.18	\$ 389,518.14	\$ 444,018.90	\$ 553,023.63	\$ 553,023.63	\$ 2,275,996.87
Beauclerc Child and Family Services	1	\$ 990,799.00	\$ 511,095.00	\$ 4,348,000.00	\$ 5,849,894.00	\$ 990,799.00	\$ 511,095.00	\$ 4,629,116.00	\$ 6,131,110.00	\$ 990,799.00	\$ 511,095.00	\$ 3,900,629.00	\$ 5,402,523.00	\$ 722,146.80	\$ 842,559.00	\$ 983,860.40	\$ 1,203,578.00	\$ 1,203,578.00	\$ 4,934,669.80
Council Montagnais Estabti Child and Family Services	1	\$ 105,001.00	\$ 223,876.00	\$ 32,483.00	\$ 359,460.00	\$ 105,001.00	\$ 206,503.00	\$ 828.00	\$ 307,699.00	\$ 105,001.00	\$ 223,876.00	\$ -	\$ 328,977.00	\$ 225,188.45	\$ 282,721.03	\$ 305,123.60	\$ 375,315.75	\$ 375,315.75	\$ 1,530,754.88
Council Montagnais de Sheffandine Child and Family Services	1	\$ 886,459.00	\$ -	\$ 399,138.00	\$ 1,285,479.00	\$ 886,459.00	\$ 82,657.00	\$ 1,757,870.00	\$ 2,726,486.00	\$ 881,209.00	\$ 88,172.00	\$ 996,157.00	\$ 1,405,638.00	\$ 872,558.33	\$ 434,688.08	\$ 466,787.80	\$ 620,897.25	\$ 620,897.25	\$ 2,546,088.73
Council de la Nation Atchemak-Est Child and Family Services	2	\$ 2,228,747.00	\$ 948,913.00	\$ 3,381,205.00	\$ 6,558,955.00	\$ 2,246,083.00	\$ 948,913.00	\$ 3,492,173.00	\$ 6,687,409.00	\$ 2,228,747.00	\$ 948,913.00	\$ 3,760,824.00	\$ 6,936,584.00	\$ 444,145.20	\$ 518,181.40	\$ 592,189.60	\$ 740,242.00	\$ 740,242.00	\$ 3,034,892.20
Grand Conseil Wabeno Child and Family Services	2	\$ 145,418.00	\$ 285,588.00	\$ 171,211.00	\$ 602,217.00	\$ 145,418.00	\$ 285,588.00	\$ 67,189.00	\$ 500,195.00	\$ 145,418.00	\$ 285,588.00	\$ 153,125.00	\$ 584,131.00	\$ 165,414.40	\$ 197,480.70	\$ 225,548.60	\$ 275,685.70	\$ 275,685.70	\$ 1,130,311.58
Régoupsament Mamit Inouat Child and Family Services	3	\$ 961,573.00	\$ 989,728.00	\$ 942,295.00	\$ 2,913,596.00	\$ 961,573.00	\$ 989,728.00	\$ 1,322,267.00	\$ 3,299,568.00	\$ 961,573.00	\$ 989,728.00	\$ 1,518,951.00	\$ 3,460,252.00	\$ 180,210.53	\$ 175,261.98	\$ 205,307.40	\$ 250,384.25	\$ 250,384.25	\$ 1,085,972.93
CENTRE JEUNESSE DES LAURENTIDES	1	\$ 322,442.00	\$ 211,845.00	\$ 447,386.00	\$ 981,673.00	\$ 322,442.00	\$ 317,768.00	\$ 562,419.00	\$ 1,202,629.00	\$ 322,442.00	\$ 255,016.00	\$ 245,389.00	\$ 822,847.00	\$ 240,637.50	\$ 285,743.78	\$ 320,850.00	\$ 401,087.50	\$ 401,087.50	\$ 1,604,356.23
CENTRE JEUNESSE DE L'OUTAOUAIS	1	\$ 481,812.00	\$ -	\$ 953,108.00	\$ 1,434,920.00	\$ 486,314.00	\$ -	\$ 904,945.00	\$ 1,390,879.00	\$ 481,812.00	\$ -	\$ 850,000.00	\$ 1,331,812.00	\$ 428,041.10	\$ 487,047.95	\$ 568,054.80	\$ 710,088.50	\$ 710,088.50	\$ 2,811,280.80
CENTRE JEUNESSE DE L'ABITIBI-TEMISCAMINGUE	1	\$ 2,619,229.00	\$ 1,513,738.00	\$ 10,916,565.00	\$ 15,049,532.00	\$ 2,475,241.00	\$ 1,513,738.00	\$ 13,177,749.00	\$ 17,166,728.00	\$ 2,324,840.00	\$ 1,513,738.00	\$ 13,629,953.00	\$ 18,577,673.00	\$ 1,061,614.00	\$ 1,987,683.30	\$ 2,242,132.00	\$ 2,802,690.00	\$ 2,802,690.00	\$ 11,491,029.80
COMMISSION DE LA SAINTE ET DES SERVICES SOCIAUX KHEMILIES																			
NATIONS DU QUÉBEC ET DU LABRADOR		\$ 110,578.00	\$ 700,000.00	\$ -	\$ 810,578.00	\$ 110,578.00	\$ 500,000.00	\$ -	\$ 610,578.00	\$ 110,578.00	\$ 500,000.00	\$ -	\$ 610,578.00						
ALLONGEMENT DE BARRIÈRE LAKE						\$ 30,000.00			\$ 30,000.00										
THE SHAWING FIRST NATION						\$ 120,000.00			\$ 120,000.00										
LA NATION ANISHINABE DU LAC SIMON																			
New Brunswick																			
Mikmaq FCNS	13	\$ 8,000,000.00	\$ 2,130,000.00	\$ 7,500,000.00	\$ 17,630,000.00	\$ 8,300,000.00	\$ 3,130,000.00	\$ 8,000,000.00	\$ 11,430,000.00	\$ 8,300,000.00	\$ 3,130,000.00	\$ 8,000,000.00	\$ 11,430,000.00	\$ 470,379.95	\$ 548,769.61	\$ 627,105.20	\$ 783,956.58	\$ 783,956.58	\$ 3,114,211.92

ANNEX A

First Nations Child and Family Services Program Service Provider Allocations

FNCS Service Provider		# of Member Bands	2014-2015 Fiscal Year Expenditures				2015-2016 Fiscal Year Expenditures				2016-2017 Fiscal Year Initial Allocation				Budget 2016 New Investments to FNCS Program					Total New Investments (Over 5 Years)
			Operations and Protection	Prevention	Maintenance	Total	Operations and Protection	Prevention	Projected Maintenance	Total	Operations and Protection	Prevention	Initial Maintenance Allocation	Total	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	
New Brunswick																				
Elisapetog First Nation		1	\$ 1,512,383.86		\$ 1,410,000.00	\$ 2,922,383.86	\$ 1,515,500.00	-	\$ 1,546,217.64	\$ 1,515,500.00	\$ 1,506,240.00	-	\$ 750,000.00	\$ 2,256,240.00	\$ 703,997.75	\$ 1,055,995.87	\$ 1,407,994.50	\$ 1,759,993.12	\$ 1,759,993.12	\$ 6,687,973.46
Eggenopseng Child & Family Services		1	\$ 717,284.36		\$ 282,891.00	\$ 1,000,175.36	\$ 742,000.00	-	\$ 295,700.10	\$ 742,000.00	\$ 744,620.00	-	\$ 320,000.00	\$ 1,064,620.00	\$ 272,220.20	\$ 406,330.00	\$ 544,440.00	\$ 686,550.00	\$ 686,550.00	\$ 2,986,090.40
Est Ground Child & Family Services		1	\$ 463,851.74		\$ 393,435.11	\$ 857,286.85	\$ 481,720.00	-	\$ 259,997.00	\$ 481,720.00	\$ 441,645.00	-	\$ 325,000.00	\$ 766,645.00	\$ 116,420.00	\$ 175,130.00	\$ 233,840.00	\$ 288,550.00	\$ 288,550.00	\$ 1,096,490.00
Est River Bar Child & Family Services		1	\$ 395,399.00		\$ 1,157,939.00	\$ 1,553,338.00	\$ 297,880.00	-	\$ 1,328,066.72	\$ 297,880.00	\$ 300,740.00	-	\$ 600,000.00	\$ 900,740.00	\$ 67,420.00	\$ 101,190.00	\$ 134,840.00	\$ 164,550.00	\$ 164,550.00	\$ 640,480.00
4-Directions Child & Family Services		1	\$ 687,988.20		\$ 374,025.00	\$ 1,062,013.20	\$ 696,770.00	-	\$ 265,720.35	\$ 696,770.00	\$ 697,180.00	-	\$ 480,000.00	\$ 1,087,180.00	\$ 145,420.00	\$ 216,130.00	\$ 289,840.00	\$ 363,550.00	\$ 363,550.00	\$ 1,381,470.00
Kingstons Child & Family Services		1	\$ 493,624.97		\$ 740,545.11	\$ 1,234,170.08	\$ 515,650.00	-	\$ 771,774.39	\$ 515,650.00	\$ 511,695.00	-	\$ 900,000.00	\$ 1,011,695.00	\$ 174,800.00	\$ 262,200.00	\$ 349,600.00	\$ 437,000.00	\$ 437,000.00	\$ 1,856,600.00
Promotoc Child & Family Services		1	\$ 319,422.13		\$ 676,236.00	\$ 995,658.13	\$ 328,000.00	-	\$ 1,170,380.54	\$ 328,000.00	\$ 328,630.00	-	\$ 900,000.00	\$ 928,630.00	\$ 98,800.00	\$ 148,200.00	\$ 197,600.00	\$ 247,000.00	\$ 247,000.00	\$ 936,600.00
St. Mary's Child & Family Services		1	\$ 873,883.51		\$ 1,007,960.00	\$ 1,881,843.51	\$ 699,430.00	-	\$ 1,547,842.78	\$ 699,430.00	\$ 693,620.00	-	\$ 880,000.00	\$ 1,243,620.00	\$ 250,800.00	\$ 376,200.00	\$ 501,600.00	\$ 627,000.00	\$ 627,000.00	\$ 2,382,600.00
Woodstock Child & Family Services		1	\$ 244,270.46		\$ 389,845.00	\$ 634,115.46	\$ 225,130.00	-	\$ 402,351.31	\$ 225,130.00	\$ 228,955.00	-	\$ 350,000.00	\$ 578,955.00	\$ 50,800.00	\$ 76,100.00	\$ 101,600.00	\$ 127,000.00	\$ 127,000.00	\$ 486,600.00
Province of New Brunswick (Tobique 3rd Party)		2	\$ 1,046,780.45		\$ 497,464.00	\$ 1,544,244.45	\$ 656,450.00	-	\$ 834,938.30	\$ 656,450.00	\$ 977,315.00	-	\$ 250,000.00	\$ 1,227,315.00	\$ 374,400.00	\$ 563,200.00	\$ 749,600.00	\$ 937,000.00	\$ 937,000.00	\$ 3,160,600.00
			\$ 7,042,786.26		\$ 7,463,975.11	\$ 14,506,761.37	\$ 7,962,380.00		\$ 10,549,286.03	\$ 7,962,380.00	\$ 7,629,990.00		\$ 4,760,640.00	\$ 12,390,630.00	\$ 1,874,780.00	\$ 2,801,270.00	\$ 3,762,580.00	\$ 4,653,100.00	\$ 4,653,100.00	\$ 18,777,920.00
Prince Edward Island																				
MCPH		2	\$ 350,000.00		\$ 400,000.00	\$ 750,000.00	\$ 500,000.00		\$ 420,000.00	\$ 400,000.00	\$ 400,000.00		\$ 400,000.00	\$ 800,000.00	\$ 100,000.00	\$ 140,000.00	\$ 200,000.00	\$ 250,000.00	\$ 250,000.00	\$ 1,040,000.00
			\$ 350,000.00		\$ 400,000.00	\$ 750,000.00	\$ 500,000.00		\$ 420,000.00	\$ 400,000.00	\$ 400,000.00		\$ 400,000.00	\$ 800,000.00	\$ 100,000.00	\$ 140,000.00	\$ 200,000.00	\$ 250,000.00	\$ 250,000.00	\$ 1,040,000.00
Newfoundland and Labrador																				
Misumukuk M'Kamawey Maw'om		1	\$ 219,418.04		\$ 127,450.50	\$ 346,868.54	\$ 207,990.00		\$ 54,055.42	\$ 207,990.00	\$ 197,575.00		\$ 60,000.00	\$ 257,575.00	\$ 55,358.98	\$ 143,038.48	\$ 190,717.97	\$ 238,397.46	\$ 238,397.46	\$ 805,803.33
Government of Newfoundland (Innu Communities)		2	\$ 970,415.00		\$ 8,477,932.00	\$ 9,448,347.00	\$ 970,415.00		\$ 7,253,811.53	\$ 970,415.00	\$ 970,415.00		\$ 7,029,585.00	\$ 8,000,000.00	\$ 804,779.00	\$ 1,447,100.40	\$ 1,929,547.20	\$ 2,411,934.00	\$ 2,411,934.00	\$ 9,165,349.20
			\$ 1,189,833.04		\$ 8,605,382.50	\$ 9,795,215.54	\$ 1,178,405.00		\$ 7,307,866.95	\$ 1,178,405.00	\$ 1,167,990.00		\$ 7,089,585.00	\$ 8,060,000.00	\$ 860,137.98	\$ 1,590,138.88	\$ 2,120,265.17	\$ 2,650,331.46	\$ 2,650,331.46	\$ 9,971,152.53
2014-2015 Fiscal Year Expenditures - Total																				
Operations and Protection			\$ 227,833,427.94		\$ 77,996,916.00	\$ 338,155,303.72	\$ 216,244,524.63		\$ 79,317,224.46	\$ 345,744,563.08	\$ 195,615,809.00		\$ 78,927,690.00	\$ 292,302,023.00	\$ 64,877,134.14	\$ 76,224,862.77	\$ 91,532,228.74	\$ 114,415,275.99	\$ 114,415,275.99	\$ 457,505,499.82
Prevention																				
Maintenance																				
Total																				
2015-2016 Fiscal Year Expenditures - Total																				
Operations and Protection																				
Prevention																				
Projected Maintenance																				
Total																				
2016-2017 Fiscal Year Initial Allocation - Total																				
Operations and Protection																				
Prevention																				
Initial Maintenance Allocation																				
Total																				
Budget 2016 New Investments to FNCS Program - Total																				
2016-2017																				
2017-2018																				
2018-2019																				
2019-2020																				
2020-2021																				

Summary of Costing Analysis

1. This document provides a detailed regional breakdown of new investments for FNCFS service providers.
2. The increased funding was calculated by updating Enhanced Prevention Focused Approach (EPFA) formulas. It addresses many of the findings of the Tribunal and takes into account the information obtained from FNCFS Agencies and other partners in child welfare.
3. Using updated existing funding mechanisms and authorities to allocate new investments will minimize the disruption to FNCFS service providers while engagement for reform is underway.
4. While the costing analysis targeted new investments to specific areas, INAC defers to each FNCFS service provider to determine how best to allocate funding increases, in response to their respective needs.
5. Budget 2016 investments represent a concrete first step in improving outcomes for First Nations children and families, much-needed program reforms remain an urgent priority and will be developed in full partnership with First Nations.

Alberta

In Alberta, 17 First Nation-run agencies deliver child and family services to 39 of the 48 First Nations in that province, with the provincial government providing services to the nine remaining First Nation communities. All First Nation agencies are fully delegated by the province and provide both prevention and protection services to First Nation children and families ordinarily living on reserve.

The nine communities served by the province are funded via the 1991 Alberta Administrative Reform Agreement. Under this agreement INAC reimburses the Province of Alberta for social services delivered to First Nation children and families ordinarily resident on reserve.

New Investments

As part of INAC's immediate relief investment, approximately \$17.6 million will be provided to the 17 FNCFS agencies in Alberta with approximately \$9.9 million available in Q1 2016-17.

By Year 4, service providers in Alberta will be receiving approximately \$29.4 million in new investments (funding is ongoing), for a 5 Year total investment of \$120 million additional Program funding³.

Updates to the Alberta Funding Formula include:

- Additional funding to 7 FNCFS agencies with over 6% of children in care, so that funding could be provided based actual children in care counts;
- Upward adjustments to staff salaries to ensure comparability with provincial rates;
- Funding for a financial manager and amending the financial support budget allocation to provide an extra staff member to agencies with over 100 children in care. Partial funding for .5 of a financial worker is provided for agencies with over 75 children in care;
- Increased funding for audit, insurance and legal services;
- Increased off-hour emergency services funding from 5% to 7.5% ;
- Funding for intake and assessment/investigation, which will provide \$4 million to Alberta FNCFS agencies at full implementation;
- Funding for a Community Coordinator, 1 per agency;
- Increased funding for agency travel to \$11,000 from \$10,000; and
- Increase to \$175 from \$100 for service purchase per child.

³ Subject to Parliamentary and Treasury Board approval

Original 2007 Alberta 1,000 Child Agency Template

Total number of children serviced by agency **1,000**
Children in care based on 6% **60**
Multiple problem families **67**
Number of Bands **1**

Provincial Front Line Social Worker Average Salary (August 2006) \$58,100
Provincial Social Worker Supervisor Average Salary (August 2006) \$65,500
Provincial Support Worker Average Salary (August 2006) \$36,000

Administrative Formula	2006 FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed	Variable	
						Agency Core	Protection	Enhancement
1 Board of directors	\$50,000			\$50,000	\$50,000	\$50,000		
2 Director	\$77,000	1	\$77,000		\$77,000	\$77,000		
3 HR Staff	\$39,300	1	\$39,300		\$39,300	\$39,300		
4 Secretary/Receptionist	\$36,000	1	\$36,000		\$36,000	\$36,000		
5 Financial support	\$51,000	1	\$51,000		\$51,000	\$51,000		
6 Evaluation (Footnote 1)	\$0			\$0	\$0	\$0	\$0	\$0
7 Audit	\$8,500			\$8,500	\$8,500	\$8,500		
8 Insurance	\$24,000			\$24,000	\$24,000	\$24,000		
9 Legal	\$20,000			\$20,000	\$20,000	\$20,000		
Local committees								
10 @\$2,000/band	\$0			\$0	\$0	\$0		
11								
Elders committees of 1 per agency, 4-5 members, 4 meetings per year @\$600 per member per year	\$0			\$0	\$0	\$0		
12 Admin overhead	\$177,919			\$177,919	\$177,919	\$30,495	\$121,279	\$26,145
13 Benefits	\$197,688		\$197,688		\$197,688	\$40,660	\$122,168	\$34,860
14 Ongoing training	\$36,000			\$36,000	\$36,000	\$8,000	\$22,000	\$6,000
15 Off-Hour emergency service	\$23,240		\$23,240		\$23,240		\$14,525	\$8,715
16 Supervisors	\$131,000	2	\$131,000		\$131,000		\$87,333	\$43,667
17 Support staff	\$108,000	3	\$108,000		\$108,000		\$72,000	\$36,000
18 Resource training	\$0			\$0	\$0	\$0		
19 Ongoing development	\$0			\$0	\$0	\$0		
Services Formula								
20 Foster care workers / permanency workers	\$116,200	2	\$116,200		\$116,200		\$116,200	
21 Foster care trainer / Recruit support / Placement resource	\$58,100	1	\$58,100		\$58,100		\$58,100	
22 Case managers (child intervention)	\$174,300	3	\$174,300		\$174,300		\$174,300	
23 Family enhancement workers	\$174,300	3	\$174,300		\$174,300			\$174,300
24 Service purchase @\$100/child	\$100,000			\$100,000	\$100,000		\$50,000	\$50,000
25 Travel for service staff	\$120,000			\$120,000	\$120,000	\$10,000	\$80,000	\$30,000
Totals:	\$1,722,547	18	\$1,186,128	\$536,419	\$1,722,547	\$394,955	\$917,905	\$409,687

26 New Operations and Least Disruptive Measures/Prevention Funding \$1,722,547
28 Revised 2007-2008 Agency Operations Funding incorporating Budget 2005 8.24% Adjustment \$953,358
29 Incremental Adjustment (Line 26 less Line 28) \$769,189

2007-2008 Operations Formula with 8.24% Budget 2005			
New Formula	Adjustment	Adjustment	
Agency Core and Protection	\$1,312,860	\$953,358	\$359,502
Least Disruptive Measures / Prevention Funding	\$409,687		\$409,687

Footnotes:

- 1) Evaluation funding was obtained through Budget 2005 and will be funded every 3 years in the amount of \$30,600.00 as a fixed amount.
2) Resource Training and Ongoing Development were removed from the individual agency budgets as it is expected to be a function of the Coordinating Bodies.
Costing would be equivalent to 1 Social Worker plus Travel (\$68,100). If the Coordinating bodies are not approved then the agency budgets would have to be increased by the \$68,100.

Total number of children serviced by agency	1,000
Children in care based on 6%	60
Multiple problem families	67
Number of Bands	1

Administrative Formula	2006 FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed	Variable	
						Agency Core	Protection	Enhancement
1 Board of directors	\$50,000			\$50,000	\$50,000	\$50,000		
2 Director	\$77,000	1	\$77,000		\$77,000	\$77,000		
3 HR Staff	\$39,300	1	\$39,300		\$39,300	\$39,300		
4 Secretary/Receptionist	\$36,000	1	\$36,000		\$36,000	\$36,000		
5 Financial support	\$51,000	1	\$51,000		\$51,000	\$51,000		
6 Evaluation (Footnote 1)	\$10,200			\$10,200	\$10,200	\$10,200	\$0	\$0
7 Audit	\$8,500			\$8,500	\$8,500	\$8,500		
8 Insurance	\$24,000			\$24,000	\$24,000	\$24,000		
9 Legal	\$20,000			\$20,000	\$20,000	\$20,000		
10 Local committees @ \$2,000/band	\$0			\$0	\$0	\$0		
11 Elders committees of 1 per agency, 4-5 members, 4 meetings per year @ \$600 per member per year	\$0			\$0	\$0	\$0		
12 Admin overhead	\$177,919			\$177,919	\$177,919	\$30,495	\$121,279	\$26,145
13 Benefits	\$197,688		\$197,688		\$197,688	\$40,660	\$122,168	\$34,860
14 Ongoing training	\$36,000			\$36,000	\$36,000	\$8,000	\$22,000	\$6,000
15 Off-Hour emergency service	\$23,240		\$23,240		\$23,240		\$14,525	\$8,715
16 Supervisors	\$131,000	2	\$131,000		\$131,000		\$87,333	\$43,667
17 Support staff	\$108,000	3	\$108,000		\$108,000		\$72,000	\$36,000
18 Resource training	\$0			\$0	\$0	\$0		
19 Ongoing development	\$0			\$0	\$0	\$0		
Services Formula								
20 Foster care workers / permanency workers	\$116,200	2	\$116,200		\$116,200		\$116,200	
21 Foster care trainer / Recruit support / Placement resource	\$58,100	1	\$58,100		\$58,100		\$58,100	
22 Case managers (child intervention)	\$174,300	3	\$174,300		\$174,300		\$174,300	
23 Family enhancement workers	\$174,300	3	\$174,300		\$174,300			\$174,300
24 Service purchase @\$100/child	\$100,000			\$100,000	\$100,000		\$50,000	\$50,000
25 Travel for service staff	\$120,000			\$120,000	\$120,000	\$10,000	\$80,000	\$30,000
Totals:	\$1,732,747	18	\$1,186,128	\$546,619	\$1,732,747	\$405,155	\$917,905	\$409,687

\$1,732,747

New Formula
\$1,323,060
\$409,687

1) Beginning in 2015/16, Evaluation funding that was obtained through Budget 2005 will be funded every year instead of every 3 years in the amount of \$10,200.00 as a fixed amount.

2) Resource Training and Ongoing Development were removed from the individual agency budgets as it is expected to be a function of the Coordinating Bodies. Costing would be equivalent to 1 Social Worker plus Travel (\$68,100). If the Coordinating bodies are not approved then the agency budgets would have to be increased by the \$68,100.

Budget 2016 Updated FNCFS Funding Formula Template - Alberta

Total number of children serviced by agency 1,000
Children in care based on 6% 60
Multiple problem families 67
Number of Bands 1

Provincial Front Line Social Worker Average Salary - HSW Lines 66 and 68 Average (April 2014) \$75,483
Provincial Social Worker Supervisor Average Salary - HSW Line 72 (April 2014) \$83,781
Provincial Support Worker Average Salary \$55,119
Administrative Support \$49,486
Financial Support \$62,637
Financial Manager Average (Admin and Program Services - Level 2) \$74,208
Human Resource/Intake/Community Co-ordinator \$62,986

*salaries from -http://www.chr.alberta.ca/Practitioners/DocList318.cfm

	FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed			Variable	
						Agency Core	Protection	Enhancement		
Administrative Formula										
1 Board of directors	\$50,000			\$50,000	\$50,000	\$50,000				
2 Director	\$110,000	1	\$110,000		\$110,000	\$110,000				
3 HR Staff	\$62,986	1	\$62,986		\$62,986	\$62,986				
4 Secretary/Receptionist	\$49,486	1	\$49,486		\$49,486	\$49,486				
5 Financial Manager	\$74,208	1	\$74,208		\$74,208	\$74,208				
6 Financial support	\$62,637	0.0	\$0		\$0	\$0				
7 Evaluation (Footnote 1)	\$10,200			\$10,200	\$10,200	\$10,200				
8 Audit	\$10,000			\$10,000	\$10,000	\$10,000				
9 Insurance	\$30,000			\$30,000	\$30,000	\$30,000				
10 Legal	\$33,500			\$33,500	\$33,500	\$33,500				
11 Admin overhead (@15% rent, IT etc.)				\$305,139	\$305,139	\$44,502	\$217,222	\$43,415		
12 Benefits (@20.45%)			\$345,377		\$345,377	\$60,671	\$225,517	\$59,189		
13 Ongoing training	\$2,000			\$44,000	\$44,000	\$8,000	\$28,000	\$8,000		
14 Off-Hour emergency service (7.75%)			\$94,706		\$94,706		\$72,275	\$22,431		
15 Supervisors	\$83,781	3	\$251,343		\$251,343		\$215,437	\$35,906		
16 Support staff	\$55,119	3	\$165,357		\$165,357		\$141,735	\$23,622		
Services Formula										
17 Intake	\$62,986	1	\$62,986		\$62,986		\$62,986.00			
18 Assessment/Investigation	\$75,483	1	\$75,483		\$75,483		\$75,482.68			
19 Foster care workers / permanency workers	\$75,483	2	\$150,965		\$150,965		\$150,965.36			
20 Foster care trainer / Recruit support / Placement resource	\$75,483	1	\$75,483		\$75,483		\$75,483			
21 Case managers (child intervention)	\$75,483	3	\$226,448		\$226,448		\$226,448.04			
22 Community Co-ordinator	\$62,986	1	\$62,986		\$62,986			\$62,986		
23 Family enhancement workers	\$75,483	3	\$226,448		\$226,448			\$226,448.04		
24 Service purchase @\$175/child				\$175,000	\$175,000		\$87,500	\$87,500		
25 Travel for service staff	\$11,000			\$176,000	\$176,000	\$11,000	\$121,000	\$44,000		
Totals:		22	\$2,034,262	\$833,839	\$2,868,101	\$554,553	\$1,700,051	\$613,497		

Agency Core and Protection
Least Disruptive Measures/Prevention Funding
Total

New Formula
\$2,254,604
\$613,497
\$2,868,101

Footnote 1. In previous years evaluation was funded at \$30,600 every 3 years new funding model has it being funded at \$10,200 per year.

ALBERTA COSTING METHODOLOGY

The formula presented on the Alberta Family Enhancement sheet reflects both Alberta specific information with respect to Social Worker Salaries, staffing ratios discussed with both the province and First Nations, as well as information drawn from Wende such as insurance and salaries for the Executive Direct, HR, and Financial officers when provincial comparisons for these positions would have been inappropriate given the scale and differences in program delivery responsibilities between the organizations. (i.e. The Provincial Authorities deliver more than just child and family services.)

The calculations are based upon the following assumptions:

a.	Number of children serviced by agency	1,000
b.	Number of children in care average is 6% unless 14/15 IMS Actual CIC count was above the 6% threshold	60
c.	Average number of children per family is 3, therefore the number of families in the community would be no less than	333
	20% of families are multiple problem families	67
d.	Staffing ratios - based on provincial information (adjustments as noted)	
	Financial Support (Line 6)	1 for every 100 CIC. Partial funding for agencies close to 100.
	Supervisors (Line 15)	1 for every 6 direct service delivery and support staff.
	Support (Line 16)	1 for every 4 direct delivery service delivery staff.
	Intake (Line 17)	1 for every 800 registered child
	Assessment/ Investigation (Line 18)	1 for every 800 registered child
	Foster care / Permanency workers (Line 19)	1 worker for each 20 foster families / kinship care family. It was noted that in many instances a foster care family has more than one child and therefore the ratio in the model is 1 : 30 children
	Foster Care Trainer (Line 20)	1 per agency - but only where caseload requires this service
	Case Managers (Child Intervention) (Line 21)	1 worker for each 20 children in care
	Enhanced Prevention Staff (Line 23)	1 worker for every 20 multiple problem families

Note - Over time it is expected that resources would shift from protection to family supports and prevention.

e.	Salaries are based on provincial comparability average based on April 2014 at the following website: *salaries from - http://www.chr.alberta.ca/Practitioners/DocList318.cfm Provincial Front Line Social Worker Average Salary - HSW Lines 66 and 68 Average (April 2014) Provincial Social Worker Supervisor Average Salary - HSW Line 72 (April 2014) Provincial Support Worker Average Salary (April 2014) Administrative Support Line 56 Average (Admin and Program Services) (April 2014) Financial Manager - Line 67 (Admin and Program Services) Financial Support - Line 57 and 61 Average (Admin and Program Services) HR Staff - Director (Line 2) \$ 110,000 Secretary / Receptionist (Line 4) \$ 49,486 HR person (Line 3) \$ 62,986 Financial Manager (Line 5) \$ 74,208
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f.	Evaluation funding (Line 7) has been included at \$10,200 to total \$30,600 over 3 years as per Budget 2005.
g.	Administrative overhead (Line 13) to include rent (mortgage payments) / IT / supplies / heat / hydro / janitorial services / telephone, etc. is calculated at 15% of total salaries and benefits.
h.	Benefits (Line 14) are calculated at 20.45% of total salaries as per INAC Departmental decision.
i.	Ongoing training (Line 15) is calculated at \$2,000 per employee (and this would include travel for training.) Provincial Casework Practice and IT training is to be provided to First Nation Agency staff by the province at no direct cost. Agencies would be responsible for travel and accommodation costs.
j.	Off hour (Line 16) emergency service is calculated at 7.75% of direct delivery staff and supervisors.
k.	Travel (Line 25) - calculated at \$11,000 per direct worker, supervisors, and the agency director.

British Columbia

There are 20 FNCFS agencies that deliver services to 114 First Nations in British Columbia with the Province providing services to the 84 remaining communities.

In British Columbia, there is a phased and graduated system of granting provincial delegation to FNCFS agencies, with levels of delegation ranging from prevention services only (C3 and C4) to a full range of prevention and protection activities (C6). Of the 20 agencies, 15 are not fully delegated to provide protection services. In communities that are served by partly delegated agencies, protection services are provided by the provincial Ministry of Child and Family Development (MCFD).

Since 2012-2013, INAC has entered into a service delivery agreement with the province of British Columbia. This agreement is the mechanism through which funding is provided for the provincial delivery of child and family services in the communities that are either not served or are partly served by a delegated FNCFS agency.

New Investments

As part of INAC's immediate relief funding, approximately \$5.3 million will be provided to the service providers in British Columbia. As a result of consultations with FNCFS Agencies in the province, immediate relief funding will be combined with existing \$3.36 million Transition Funding. This combined allocation will be used to address priorities identified by the FNCFS Agencies. Engagement and subsequent discussions will determine funding distribution over the remaining years.

By Year 4, British Columbia service providers will be receiving approximately \$13.4 million in new investments (funding is ongoing), for a 5 Year total investment of approximately \$51 million in additional Program funding².

Costing Assumptions

The funding formula used to calculate the increased funding for British Columbia is a modified EPFA formula tailored to reflect the provincial child welfare system. This model takes into account agency delegation and size adjustments and adds the child population for all C3 and C4 delegated agencies to reflect current realities of the province providing protection and in some cases prevention services to children served by these agencies.

Following the provincial delegation matrix, C3 agencies were not costed for any social workers or support staff as they are not delegated to undertake these services. Funding will be provided to the province to service these communities for these activities. C4 agencies were not costed to have protection workers but will receive funding for support and guardianship workers to reflect their delegated responsibilities.

FNCFS Agencies with less than 800 children in care are still subject to scaling with respect to their Core Funding only. Scaling is not applied to protection or prevention funding streams (i.e. social workers, prevention workers, and associated administrative costs for these services) when an

² Subject to Parliamentary and Treasury Board approval.

Annex B

*Released under the Access
to Information Act*

*Communiqué en vertu de la
Loi sur l'Accès à
l'information*

agency has less than 800 children in care. Further discussions on how to address small agency funding will be discussed during engagement on reform.

Budget 2016 FNCFS Funding Formula Template - British Columbia C6 Delegation

Member First Nations and 0-18 Population

Total number of children serviced by agency **1,000**
Children in care - 6% **60**
Multiple problem families **67**

Provincial Front Line Social Worker Average Salary (April 5, 2015) \$67,319
Provincial Social Worker Supervisor Average Salary (April 5, 2015) \$76,030
Provincial Support Worker Average Salary (April 5, 2015) \$48,637
Administrative Support (April 5, 2015) \$41,053

Administrative Formula		# of Staff	Salary	Non-Salary	Totals	Fixed	Variable	
						Agency Core	Protection	Prevention / Least Disruptive Measures
1 Board of Directors	\$50,000			\$50,000	\$50,000	\$50,000		
2 Director	\$80,000	1.000	\$80,000		\$80,000	\$80,000		
3 HR Staff	\$50,053	1.000	\$50,053		\$50,053	\$50,053		
4 Administrative/Financial Support	\$41,053	1.000	\$41,053		\$41,053	\$41,053		
5 Financial Manager	\$73,744	1.000	\$73,744		\$73,744	\$73,744		
6 Evaluation (Footnote 1)	\$10,200			\$10,200	\$10,200	\$10,200		
7 Audit	\$15,000			\$15,000	\$15,000	\$15,000		
8 Insurance	\$40,000			\$40,000	\$40,000	\$40,000		
9 Legal	\$30,000			\$30,000	\$30,000	\$30,000		
10 Admin overhead @15%				\$297,866	\$297,866	\$44,238	\$173,858	\$79,770
11 Benefits @20.45%			\$337,144		\$337,144	\$50,072	\$196,784	\$90,289
12 Ongoing training	\$2,000			\$48,000	\$48,000	\$8,000	\$32,000	\$8,000
13 Off-Hour emergency @10%			\$127,616		\$127,616		\$87,479	\$40,137
14 Supervisors	\$76,030	3.000	\$228,090		\$228,090		\$156,352	\$71,738
15 Support staff	\$41,053	4.000	\$164,212		\$164,212		\$112,565	\$51,647
Services Formula								
16 Foster care trainer / Recruit support / Placement resource	\$67,319	2.000	\$134,638		\$134,638		\$134,638	
17 Guardianship social worker	\$67,319	2.00	\$134,638		\$134,638		\$134,638	
18 Child Protection workers	\$67,319	3.000	\$201,957		\$201,957		\$201,957	
19 Community Co-ordinator	\$76,030	1.000	\$76,030		\$76,030	\$0	0	\$76,030
20 Family Support workers (prevention worker)	\$67,319	3.000	\$201,957		\$201,957			\$201,957
21 Intake/Investigation Line	\$67,319	2.000	\$134,638		\$134,638		\$134,638	
22 Service purchase @\$175/child	\$175			\$175,000	\$175,000		\$87,500	\$87,500
23 Travel for all staff	\$11,500			\$195,500	\$195,500	\$46,000	\$103,500	\$46,000
Totals:	\$933,433	24.000	\$1,985,770	\$861,566	\$2,847,336	\$538,360	\$1,555,908	\$753,068

Total Funding - Operations \$2,094,268.38
Total Funding - Prevention \$753,068
Total INAC Funding \$2,847,336.36

Budget 2016 FNCFS Funding Formula Template - British Columbia C4 Delegation

Member First Nations and 0-18 Population
Single Band Agency 1,000
Total number of children serviced by agency 1,000
Children in care - 6% 60
Multiple problem families 67

Provincial Front Line Social Worker Average Salary (April 5, 2015) \$67,319
Provincial Social Worker Supervisor Average Salary (April 5, 2015) \$76,030
Provincial Support Worker Average Salary (April 5, 2015) \$48,637
Administrative Support (April 5, 2015) \$41,053

Administrative Formula		# of Staff	Salary	Non-Salary	Totals	Fixed	Variable	Prevention / Least Disruptive Measures
						Agency Core	Protection	
1 Board of Directors	\$50,000			\$50,000	\$50,000	\$50,000		
2 Director	\$80,000	1.000	\$80,000		\$80,000	\$80,000		
3 HR Staff	\$50,053	0.000	\$0		\$0	\$0		
4 Administrative/Financial Support	\$41,053	1.000	\$41,053		\$41,053	\$41,053		
5 Financial Manager	\$73,744	1.000	\$73,744		\$73,744	\$73,744		
6 Evaluation (Footnote 1)	\$10,200			\$10,200	\$10,200	\$10,200		
7 Audit	\$15,000			\$15,000	\$15,000	\$15,000		
8 Insurance	\$40,000			\$40,000	\$40,000	\$40,000		
9 Legal	\$30,000			\$30,000	\$30,000	\$30,000		
10 Admin overhead @15%				\$148,629	\$148,629	\$35,195	\$37,013	\$76,421
11 Benefits @20.45%			\$168,229		\$168,229	\$39,836	\$41,894	\$86,499
12 Ongoing training	\$2,000			\$24,000	\$24,000	\$6,000	\$10,000	\$8,000
13 Off-Hour emergency @10%			\$57,076		\$57,076		\$18,624	\$38,452
14 Supervisors	\$76,030	1.000	\$76,030		\$76,030		\$24,808	\$51,222
15 Support staff	\$41,053	2.000	\$82,106		\$82,106		\$26,791	\$55,315
Services Formula								
Foster care trainer / Recruit support /								
16 Placement resource	\$67,319	0.000	\$0		\$0		\$0	
17 Guardianship social worker	\$67,319	2.00	\$134,638		\$134,638		\$134,638	
18 Child Protection workers	\$67,319	0.000	\$0		\$0		\$0	
19 Community Co-ordinator	\$76,030	1.000	\$76,030		\$76,030	\$0	0	\$76,030
20 Family Support workers (prevention worker)	\$67,319	3.000	\$201,957		\$201,957			\$201,957
21 Intake/Investigation Line	\$67,319	0.000	\$0		\$0		\$0	
22 Service purchase @\$175/child	\$175			\$175,000	\$175,000		\$87,500	\$87,500
23 Travel for all staff	\$11,500			\$92,000	\$92,000	\$23,000	\$23,000	\$46,000
Totals:	\$933,433	12.000	\$990,863	\$584,829	\$1,575,692	\$444,028	\$404,268	\$727,396

Total Funding - Operations \$848,296.06
Total Funding - Prevention \$727,396
Total INAC Funding \$1,575,692.50

Budget 2016 FNCFS Funding Formula Template - British Columbia C3 Delegation (Scaled for Small Size)

Member First Nations and 0-18 Population
Single Band Agency 500
Total number of children serviced by agency 500
Children in care based on 6.0% 30
Multiple problem families 33

Provincial Front Line Social Worker Average Salary (April 5, 2015) \$67,319
Provincial Social Worker Supervisor Average Salary (April 5, 2015) \$76,030
Provincial Support Worker Average Salary (April 5, 2015) \$48,637
Administrative Support (April 5, 2015) \$41,053

Administrative Formula		# of Staff	Salary	Non-Salary	Totals	Fixed	Variable	
						Agency Core	Protection	Prevention / Least Disruptive Measures
1 Board of Directors	\$50,000			\$50,000	\$50,000	\$50,000		
2 Director	\$80,000	1.000	\$80,000		\$80,000	\$80,000		
3 HR Staff	\$50,053	0.000	\$0		\$0	\$0		
4 Administrative/Financial Support	\$41,053	1.000	\$41,053		\$41,053	\$41,053		
5 Financial Manager	\$73,744	1.000	\$73,744		\$73,744	\$73,744		
6 Evaluation (Footnote 1)	\$10,200			\$10,200	\$10,200	\$10,200		
7 Audit	\$15,000			\$15,000	\$15,000	\$15,000		
8 Insurance	\$40,000			\$40,000	\$40,000	\$40,000		
9 Legal	\$30,000			\$30,000	\$30,000	\$30,000		
10 Admin overhead @15%				\$92,174	\$92,174	\$35,195	\$0	\$56,979
11 Benefits @20.45%			\$104,329		\$104,329	\$39,836	\$0	\$64,493
12 Ongoing training	\$2,000			\$14,000	\$14,000	\$6,000	\$2,000	\$6,000
13 Off-Hour emergency @10%			\$28,670		\$28,670		\$0	\$28,670
14 Supervisors	\$76,030	1.000	\$76,030		\$76,030		\$0	\$76,030
15 Support staff	\$41,053	0.000	\$0		\$0		\$0	\$0
Services Formula								
Foster care trainer / Recruit support /								
16 Placement resource	\$67,319	0.000	\$0		\$0		\$0	
17 Guardianship social worker	\$67,319	0.000	\$0		\$0		\$0	
18 Child Protection workers	\$67,319	0.000	\$0		\$0		\$0	
19 Community Co-ordinator	\$76,030	1.000	\$76,030		\$76,030	\$0	\$0	\$76,030
20 Family Support workers (prevention worker)	\$67,319	2.000	\$134,638		\$134,638			\$134,638
21 Intake/Investigation Line	\$67,319	0.000	\$0		\$0		\$0	
22 Service purchase @\$175/child	\$175			\$87,500	\$87,500		\$43,750	\$43,750
23 Travel for all staff	\$11,500			\$57,500	\$57,500	\$23,000	\$0	\$34,500
Totals:		7.000	\$614,494	\$396,374	\$1,010,868	\$444,028	\$45,750	\$521,090

Small Agency Adjustment (62.5%)

\$277,517.50

Total Funding - Operations \$323,267.50
Total Funding - Prevention \$521,090
Total INAC Funding \$844,367.50

BRITISH COLUMBIA COSTING METHODOLOGY (all models)

The calculations are based upon the following assumptions:

Line Item	Description
	Number of children served by agency
	The 0-18 registered First Nations children on reserve count.
	Number of children in care
	Maintained a CIC average count of 6% for each agency, unless 13/14 IMS Actual CIC count was above the 6% threshold.
	Number of multiple problem families
	Discussed during tripartite meetings and decided a fair number is 3 children per family. The calculation is taking the 0-18 child pop, dividing by 3 and then taking 20% of the total. It is understood that many families on reserve have more than 3 children; however, if the number were any higher, it would drive the total down.
1	Board of Directors
	Board expenditures are not to exceed \$50,000 per year. Additional funding can be provided to address remoteness and/or multi-site agencies.
	No board of Directors funding provided to Province.
2	Agency Director (or Executive Director)
	Salaries based on provincial comparability. Currently every agency (small to large) is given one ED at the mid-range of the provincial salary scale for this position.
3	HR Staff
	Salaries based on provincial comparability. Currently every agency with over 5 non-core staff is given one HR person at the mid-range of the provincial salary scale for this position.
4	Administrative/Financial Assistant
	Salaries based on provincial comparability. Currently every agency (small to large) is given one Admin/Financial Assistant at the mid-range of the provincial salary scale
5	Financial Manager
	Most medium to large agencies require a Financial Manager and financial support workers. 1 Financial Manager per agency.
11	Administrative overhead
	Calculated using 15% of the total salaries and benefits of the organization. This is intended to be used for rent (mortgage payments) / IT / supplies / heat/hydro/janitorial services/ telephone etc.... The national (and GoC average is 10%); however, 15% is used to take into account the IT needs that would not be included in government accommodation costs.
12	Benefits
	Calculated using the GoC 20.45% of total salaries. This was based on an AANDC program decision to maintain consistency across the country.
13	Ongoing training
	Calculated at \$2000 per employee depending on the jurisdiction (this is supposed to include the travel associated with the training). Tripartite roles and responsibilities have been developed to have Provincial Casework Practice and IT training provided to First Nations Agency staff by the province at no direct cost, however, in practice, this has not always taken place. Further bilateral work with provinces is necessary to mitigate.
14	Off hour/emergency service
	Calculated at 10% of total costs for direct delivery staff (social workers and support workers) and supervisors.
15	Supervisors
	1 supervisor for every 5 direct service delivery staff (this includes social workers and service support workers).
16	Support Staff
	1 support staff for every 4 direct service delivery staff (this includes social workers and supervisors).
17 18 19	Social Workers
	There are various names for the types of social workers and each jurisdiction's formula lists their respective workers (i.e. foster care worker, case managers, family enhancement workers etc.). Salaries are based on the mid-range of the provincial salary scale and the number of social workers is based on a provincial caseload ratios.
	Foster care trainer / Recruit support / Placement resource - 1:40 Guardianship Social Worker - 1:30 CIC (rounded when appropriate) Child Protection Workers - 1:20
	C3 agencies will not receive funding for social workers or support staff while C4 agencies will not receive funding for protection workers but will receive funding for support and guardianship workers.
20	Community Co-ordinator
	1 per agency.
21	Family Support Workers (Prevention)
	Ratio of 1:30 problem families.
22	Intake/Investigation
	These are additional social workers required to support caseloads that are not children in care. The calculation for the number of staff uses the multiple problem families count at a 1:40 ratio.
23	Service Purchase
	Calculated at \$175 per child.
24	Travel
	Calculated at \$11,500 per direct service worker annually (including the support workers), supervisors and agency ED.

Adjustment for Delegation (Applied to Core funding only)	
C6	100%
C4	80%
C3	40%

C3 - (Delegation Matrix):
Agencies delegated at a C3 level are not provided social workers or support staff (lines 16, 17, 18, 21 removed).

The areas of service covered under this level include:
-support services for families,
-voluntary care agreements for children, including temporary in-home care, and
-special needs agreements, including those for children in care on no fixed term.

Operational and Practice standards address:
-case management,
-family assessment,
-service planning and agreements,
-children in voluntary care,
-standards for care in regular, restricted, and specialized family care homes,
-monitoring and evaluation, and
-closure and transfer of cases.

C4 (Delegation Matrix)
Agencies delegated at a C4 level are not provided protection workers but support staff and guardianship workers are funded (lines 16, 18 and 21 removed)

The areas of service covered under this level include those found in C3, as well as guardianship of children in the continuing custody of the Director. Practice standards for guardianship are similar to those for voluntary care in C3, but also include:
-develop, monitor and review comprehensive plans of care for children in care,
-legal documentation,
-permanency planning for children in care,
-prepare youth to transition for independence,
-reportable circumstances,
-ongoing monitoring of child's well-being while in care, and quality care reviews.

Adjustment for Size (modified from Wen:De)	
Child Population (0-18)	Core adjustment for Scale
100 or less	12.50%
150	18.75%
200	25.00%
250	31.25%
300	37.50%
350	43.75%
400	50.00%
450	56.25%
500	62.50%
550	68.75%
600	75.00%
650	81.25%
700	87.50%
750	93.75%
800+	1.00%

Notes

Where current provincial salary grids were not available for the purpose of this costing exercise, 2% compounded annually from the EPFA implementation date, was added to each salary total. These numbers will be validated prior to any further implementation

Manitoba

There are 15 delegated FNCFS agencies that deliver services to all 63 First Nation communities in Manitoba. In Manitoba, all FNCFS agencies are fully delegated and provide protection and prevention services to all First Nation families on and off reserve.

The province has created four Authorities (Northern, Southern, Métis, and General) to monitor and coordinate the delivery of child and family services. The Northern and Southern FNCFS Authorities are legislated and funded by the province to oversee the delivery of child and family services to First Nations.

The province of Manitoba and INAC cost-share the management of core operations for FNCFS agencies (province pays 60%, federal government pays 40%) to reflect the off reserve/on reserve split of First Nation clients served by the agencies.

New Investments

As part of INAC's immediate relief investment, approximately \$7.4 million will be provided to the 15 FNCFS agencies in Manitoba with \$4.5 million available in Q1 2016-17.

By Year 4, service providers in Manitoba will receive approximately \$12.4 million in new investments (funding is ongoing), for a 5 Year total investment of \$51 million additional Program funding⁵.

Updates to the Manitoba funding formula include:

- \$5 million in increased funding to 4 agencies operating above the 7% assumption of children in care;
- Over \$1 million, at full implementation, in additional funding to address population increases;
- \$2.5 million, at full implementation, in adjustments to staff salaries to ensure comparability with provincial rates;
- An additional \$1.6 million in funding for intake and investigation and after-hours services;
- \$1.7 million, at full implementation, to increase funding for service purchase per child to \$175 from \$130; and
- Increase in the amount provided for travel per full time employee, from \$10,000 to \$11,500.

⁵ Subject to Parliamentary and Treasury Board approval

Original 2010 Manitoba Region FNCFS Funding Formula

**ALL AGENCIES
SUMMARY**

	Combined	Federal	Provincial
Total number of children serviced by agency	36,268		
Children in care based on 7%	5,921	2,539	3,382
Multiple problem families	2,418	2,418	
Assume 3 children per family, with 20% of families requiring service			

Assumptions;
Prov Salary Scales at 09/10 levels
DSW 20:1 CIC cases
FEW 20:1 FF cases
FW 30:1 CIC cases
Supervisors 6:1 for DSW/FEH/FW
Support Staff 5:1
Middle Mgmt 7:1 Supervisors
Core Staff 7:1

NOTE: used above formula for INAC side, combined with Provincial actual numbers

CORE FUNDING	FNCFS Funding Formula	Cost Share	# of Staff	# of Staff for Federal	Salary	Non-Salary	Totals	INAC Operations		
								Fixed	Variable	
								Agency Core	Protection	Enhancement
Executive Director	S. M. L.	✓	14.0	14.0	1,296,513		1,296,513	\$518,605		
CFO/Finance Director	S. M. L.	✓	14.0	14.0	1,077,189		1,077,189	\$430,876		
Finance /HR/Stats - Admin/Clerks - AK1	\$42,229	✓	61.0	61.0	2,575,970		2,575,970	\$1,030,388		
Statistical/Financial Analysts - FI3	\$55,984	✓	5.0	5.0	279,919		279,919	\$111,967		
Executive Assistant - AY3	\$40,859	✓	14.0	14.0	572,028		572,028	\$228,811		
HR Director/Specialist	S.M. L.	✓	14.0	14.0	986,866		986,866	\$394,747		
Quality Assurance Specialist PM 3	\$70,297	✓	14.0	14.0	984,163		984,163	\$393,665		
Secretary/Receptionist AY 2	\$35,574	✓	19.0	19.0	675,897		675,897	\$270,359		
Child Abuse Coordinator SP5 (Step 8 of 9)	71,745	✓	14.0	14.0	1,004,427		1,004,427	\$401,771		
Salaries Core					9,452,972		9,452,972	3,781,189		
Benefits (20.45%) - Core					1,933,133		1,933,133	773,253		
Total Salaries and Benefits - CORE			169.0	169.0	11,386,105		11,386,105	4,554,442		
Board of Directors	\$50,000	✓				700,000	700,000	\$280,000		
Audit	\$20,000	✓				280,000	280,000	\$112,000		
Insurance	S. M. L.	✓				1,040,000	1,040,000	\$416,000		
Corporate Legal	\$40,000	✓				560,000	560,000	\$224,000		
Training	\$2000/FTE	✓				\$229,600	229,600	\$135,200		
Travel - \$10,000/FTE for 40% of 5 Core positions		✓				\$700,000	700,000	\$280,000		
Administrative overhead @ 15% and \$110/FTE/MO		✓				\$906,246	906,246	\$906,246		
Sub-Totals - CORE		✓	169.0	169.0	\$11,386,105	2,580,000	\$13,966,105	\$6,907,888		
NON - CORE Funding Items										
Off-Hour emergency service	5% of DSW's				990,488		990,488		\$829,497	\$360,991
Middle Management	\$76,741		21.0	11.0	844,148		844,148		680,261	163,887
Supervisors	\$71,745		136.0	76.0	5,452,602		5,452,602		4,393,928	1,058,674
Support staff	\$40,859		147.0	91.0	3,718,184		3,718,184		2,999,506	718,678
Resource/Develop Coordinator	\$71,745		21.0	21.0	1,506,640		1,506,640			\$1,506,640
Placement workers	\$59,668		208.0	84.0	5,012,109		5,012,109		\$5,012,109	
Foster care training & Recruitment Worker	\$59,668		21.0	21.0	1,253,027		1,253,027		\$1,253,027	
Case managers (child intervention)	\$59,668		313.0	127.0	7,577,831		7,577,831		\$7,577,831	
Family enhancement workers - Prevention	\$59,668		121.0	121.0	7,219,823		7,219,823			\$7,219,823
Salaries Non-Core					33,574,851		33,574,851		\$22,546,159	\$11,028,693
Benefits Non-Core	20.45%				6,866,057		6,866,057		4,610,689	\$2,255,368
Total Salaries and Benefits - NON -CORE					40,440,908		40,440,908		\$27,156,848	\$13,284,061
Ongoing training	\$2000/FTE					1,104,000	1,104,000		\$862,000	\$242,000
Service purchase	\$130/child					4,714,840	4,714,840		1,088,040	3,626,800
Travel - \$10,000/FTE (except Support Staff)						4,610,000	4,610,000		\$3,190,000	\$1,420,000
Administrative overhead @ 15% and \$110/FTE/MO						6,794,776	6,794,776		\$4,614,727	\$2,180,049
Sub-Totals Non-Core			988.0	552.0	40,440,908	17,223,616	57,664,525		\$36,911,615	\$20,752,910
Totals:	\$926,449		1157.0	721.0	51,827,014	19,803,616	71,630,630	6,907,888	36,911,615	20,752,910

Notes
Service Purchase includes \$30.00/child for CIC legal.
Administrative Overhead includes \$110/FTE/Month

Federal

64,572,413

Manitoba Region Funding Model

Released under the Access
to Information Act

Communiqué en vertu de la
Loi sur l'Accès à
l'information

FORMULA DRIVERS

0-18 On-Reserve Pop Stats	1,000
Children in care based on 7% (federal)	70
Multiple problem families	67

						INAC Funding		
CORE FUNDING	FNCFS Funding Formula	# of FTE's	Salary	Non-Salary	Totals	Agency Core	Protection	Enhancement
Executive Director	\$97,846	1.0	97,846		97,846	\$39,138		
CFO/Finance Director	\$82,451	1.0	82,451		82,451	\$32,980		
Finance/HR/Stats - Admin & Clerks	\$42,229	6.0	253,374		253,374	\$101,350		
Statistical/Financial Analysts	\$55,984	1.0	55,984		55,984	\$22,393		
Executive Assistant	\$40,859	1.0	40,859		40,859	\$16,344		
HR Director	\$76,741	1.0	76,741		76,741	\$30,696		
Quality Assurance Specialist	\$70,297	1.0	70,297		70,297	\$28,119		
Secretary/Receptionist	\$35,574	2.0	71,147		71,147	\$28,459		
Child Abuse Coordinator	\$71,745	1.0	71,745		71,745	\$28,698		
Core Salaries			820,443		820,443	\$328,177		
Core Benefits			167,781		167,781	\$67,112		
Total Core Salaries and Benefits			988,224		988,224	\$395,289		
Board of Directors	\$50,000			50,000	50,000	\$20,000		
Audit	\$20,000			20,000	20,000	\$8,000		
Insurance	\$120,000			120,000	120,000	\$48,000		
Corporate Legal	\$40,000			40,000	40,000	\$16,000		
Self Evaluation	\$10,200			10,200	10,200	\$10,200		
Training	\$2000/FTE			21,000	21,000	\$12,000		
Travel	\$10,000/FTE			\$50,000	50,000	\$20,000		
Administrative Overhead	15% & \$110/FTE			79,093	79,093	79,093		
Sub-Total - Non Salary				390,293	390,293	\$213,293		
Total Core Funding		15.0	\$ 988,224	\$ 390,293	1,378,517	\$608,583		
SERVICE DELIVERY FUNDING								
Off-Hour emergency service	5% of DSW's		26,851		26,851		\$17,900	\$8,950
Middle Management	\$76,741	0.0	0		0		\$0	\$0
Supervisors	\$71,745	3.0	215,234		215,234		\$156,534	\$58,700
Support staff	\$40,859	4.0	163,437		163,437		\$118,863	\$44,574
Resource/Development Coordinator	\$71,745	2.0	143,490		143,490			\$143,490
Placement Workers	\$59,668	2.0	119,336		119,336		\$119,336	
Foster care training & recruitment Worker	\$59,668	2.0	119,336		119,336		\$119,336	
Case managers (child intervention)	\$59,668	4.0	238,672		238,672		\$238,672	
Family enhancement workers	\$59,668	3.0	179,004		179,004			\$179,004
Non-Core Salaries			1,205,359		1,205,359		\$770,641	\$434,717
Non-Core Benefits			246,496		246,496		\$157,598	\$88,900
Total Non-Core Salaries and Benefits		20.0	1,451,854		1,451,854		\$928,237	\$523,617
Ongoing training	\$2000/FTE			40,000	40,000		\$34,000	\$6,000
Service purchase	\$130/child			130,000	130,000		\$30,000	\$100,000
Travel - excludes Support Staff	\$10,000/FTE			160,000	160,000		\$110,000	\$50,000
Administrative overhead	15% & \$110/FTE			244,178	244,178		\$161,676	\$82,503
Sub-Total - Non-Salary				574,178	574,178		\$335,676	\$238,503
Total Service Delivery Funding		20.0	1,451,854	574,178	2,026,032		\$1,263,912	\$762,120
Total Funding	\$1,313,686	35.0	\$ 2,440,078	\$ 964,471	\$ 3,404,550	608,583	1,263,912	762,120
5% Remoteness						30,429	63,196	38,106
Totals						639,012	1,327,108	800,226
Total Core and Operations						\$ 1,966,119.88		
Total Prevention						\$ 800,225.66		
Total						\$ 2,766,345.54		

Costing Estimates for 2015-16 EPFA Funding Model Adjustments

Summary	North	South	Total	
2015/16 Formula Funding Levels	37,214,096	31,003,484	68,217,580	Estimated
Formula Adjustment Item				Increase
1. Pop Stats Update - December 2014	37,791,667	31,032,582	68,824,249	606,669
2. Salary Adjustment	39,246,985	32,211,810	71,458,795	2,634,546
3. CIC %age above 7%	41,188,057	35,344,749	76,532,806	5,074,011
4. After Hours - Increase to 10%	42,099,661	36,086,562	78,186,223	1,653,417
5. Travel Adjustment - \$11,500 on Service FTE's	42,535,936	36,451,512	78,987,448	801,225
6. Service Purchase Increase from \$130 to \$175				1,721,378
Total				12,491,246

NOTES:

1. No negatives adjustments were factored into costing, agencies below the 2008 baseline were held at that level.
2. 2013/14 MGEU Salary Scale Levels - **collective agreement expired March 2014. No percentage increase included in costing.**
3. 4 of 15 agencies are above the 7% assumption of children in care - region to administer funds separate from funding model.
4. Calculated on DSW (FE, Placement, Case Workers and Supervisors), after hours adjustment could be used to address Intake.
5. Adjustment reflects an increase in amount provided for travel, currntly at \$10K/FTE.
7. Protection, FE and Maintenance funding will be re-directed from the Dakota Ojibway CFS (closed).

New Brunswick

A total of 10 child and family services delivery organizations (9 band-run programs and 1 FNCFS agency) in New Brunswick provide child and family services to 15 First Nations, under Directive 20-1 funding. The FNCFS Agency (“Four Directions”) provides aggregate service delivery to five communities. Funding for Tobique child and family services (who also service Madawaska First Nation) is flowed through the province of New Brunswick as Tobique is under third-party management. Two prevention programs (Head Start and In-Home Prevention services) are currently funded under the FNCFS program as part of FNCFS Operations funding, in line with Directive 20-1 authorities.

The “Hand-in-Hand: A Review of First Nation Child Welfare in New Brunswick” report (2010) recommended amalgamation of the 10 child and family services organizations into a one-agency model with improved governance structures. Current work focuses on moving the 9 band run programs and the one FNCFS agency into a three-agency model to improve services.

New Investments

As part of INAC’s immediate relief investment, approximately \$2.25 million will be provided to the FNCFS service providers in New Brunswick. Approximately \$1.3 million in immediate relief funding will be available in Q1 2016-17.

By Year 4, service providers in New Brunswick will receive approximately \$5.6 million in new investments (funding is ongoing), for a 5 Year total investment of \$21.4 million additional Program funding⁸.

Costing Assumptions

First Nations in the province are working towards amalgamation of their child and family service agencies. Until amalgamation occurs, INAC will continue to distribute funding to individual First Nations and flow funding to the Province of New Brunswick. Once amalgamation takes place, the funding can be re-profiled to the appropriate amalgamated agencies.

⁸ Subject to Parliamentary and Treasury Board approval

Budget 2016 FNCFS Funding Formula Template - New Brunswick

AGENCY NAME: New Brunswick

Member First Nations and 0-18 Population

Single Band Agency	1,000	1-Apr-13	\$	66,846	\$	74,438	\$	53,908	\$	42,000
Total number of children serviced by agency	1,000	1-Apr-14	\$	68,851	\$	76,671	\$	55,525	\$	43,260
Children in care based on 6.0%	60	1-Apr-15	\$	70,917	\$	78,971	\$	57,191	\$	44,558
Multiple problem families (20%)	67									

Provincial Front Line Social Worker II Average Salary (February 2013 adjusted)	\$70,917
Community Services Worker	\$57,191
Provincial clinical program Supervisor top of scale (February 2013 adjusted)	\$78,971
Provincial Social assistance Worker top tier Salary (April 1, 2011 Adjusted)	\$57,191
Administrative Staff	\$44,558

	# of Staff	Salary	Non-Salary	Totals	Agency Core	Protection	Prevention / Least Disruptive Measures
Administrative Formula							
1 Board of Directors		\$50,000		\$50,000	\$50,000		
2 Director	1	\$103,186		\$103,186	\$103,186		
3 HR Staff	1	\$57,191		\$57,191	\$57,191		
4 Administrative support	1	\$44,558		\$44,558	\$44,558		
5 Financial support	1	\$70,917		\$70,917	\$70,917		
6 Evaluation			\$10,200	\$10,200	\$10,200		
7 Audit		\$20,000	\$20,000	\$20,000	\$20,000		
8 Insurance		\$40,000	\$40,000	\$40,000	\$40,000		
9 Legal		\$50,000	\$50,000	\$50,000	\$50,000		
10 Admin overhead (15%)			\$347,220	\$347,220	\$49,840	\$231,593	\$65,787
11 Benefits (20.45)		\$393,006		\$393,006	\$56,412	\$262,133	\$74,462
12 Ongoing training		\$2,000	\$52,000	\$52,000	\$8,000	\$36,000	\$8,000
13 Off-Hour emergency service (@10%)			\$149,631	\$149,631		\$126,754	\$22,876
14 Supervisors	4	\$315,885		\$315,885		\$242,537	\$73,348
15 Support staff	3	\$171,573		\$171,573		\$132,445	\$39,128
Services Formula							
16 Intake/Investigation	3	\$212,751		\$212,751		\$212,751	
17 Resource support workers to families that provide care	3	\$212,751		\$212,751		\$212,751	
18 Guardianship social worker	1	\$70,917		\$70,917		\$70,917	
19 Child Protection workers	4	\$283,668		\$283,668		\$283,668	
20 Service Integration Co-ordinator	1	\$57,191		\$57,191			\$57,191
21 Community Service Worker	3	\$171,573		\$171,573			\$171,573
22 Service purchase @\$175/child			\$175,000	\$175,000		\$87,500	\$87,500
23 Travel for service staff		\$11,500	\$264,500	\$264,500	\$11,500	\$207,000	\$46,000
Totals:	26	\$2,314,797	\$1,008,920	\$3,323,717	\$571,804	\$2,106,049	\$645,865

Total Funding - Operations	\$2,677,853
Total Funding - Prevention	\$645,865
Total INAC Funding	\$3,323,718

New Brunswick Costing Methodology

The calculations are based upon the following assumptions:

Line Item		Description
	Number of children served by agency	The 0-18 registered First Nations children on reserve count.
	Number of children in care	Maintained a CIC average count of 6% for each agency, unless 13/14 IMS Actual CIC count was above the 6% threshold.
	Number of multiple problem families	Discussed during tripartite meetings and decided a fair number is 3 children per family. The calculation is taking the 0-18 child pop, dividing by 3 and then taking 20% of the total. It is understood that many families on reserve have more than 3 children; however, if the number were any higher, it would drive the total down.
1	Board of Directors	Board expenditures are not to exceed \$50,000 per year. Additional funding can be provided to address remoteness and/or multi-site agencies.
2	Agency Director (or Executive Director)	Salaries based on provincial comparability. Currently every agency (small to large) is given one ED at the mid-range of the provincial salary scale for this position.
3	HR Coordinator	Salaries based on provincial comparability. Currently every agency (small to large) is given one HR person at the mid-range of the provincial salary scale for this position.
4	Administrative Assistant/ Receptionist	Salaries based on provincial comparability. Currently every agency (small to large) is given one Admin Assistant at the mid-range of the provincial salary scale for this position.
5	Financial Support	Salaries based on provincial comparability. 1 Financial Manager per agency is provided.
10	Administrative overhead	Calculated using 15% of the total salaries and benefits of the organization. This is intended to be used for rent (mortgage payments) / IT / supplies / heat/hydro/janitorial services/ telephone etc. The national (and GoC average is 10%); however, 15% is used to take into account the IT needs that would not be included in government accommodation costs.
11	Benefits	Calculated using the GoC 20.45% of total salaries. This was based on an AANDC program decision to maintain consistency across the country
12	Ongoing training	Calculated at \$2000 per employee depending on the jurisdiction (this is supposed to include the travel associated with the training).
13	Off hour/emergency service	Calculated at 10% of total costs for direct delivery staff (social workers and support workers) and supervisors.
14	Supervisors	1 supervisor for every 4 direct service delivery staff (this includes social workers and service support workers).
15	Support Staff	1 support staff for every 6 direct service delivery staff (this includes social workers and supervisors).
16	Intake/Investigation	These are additional social workers required to support caseloads that are not children in care. The calculation for the number of staff uses the multiple problem families count at a 1:20 ratio.
17 18 19	Social Workers	There are various names for the types of social workers and each jurisdiction's formula lists their respective workers (i.e. foster care worker, case managers, family enhancement workers etc.). The salaries are based on the mid-range of the provincial salary scale and the number of social workers is based on a provincial caseload ratios. Support to Foster Care Families - 1:20 Guardianship Social Worker - 1 per 800 CIC Child Protection Workers - 1:15
20	Service Integration Co-ordinator	1 per agency.
21	Community Service Worker	Ratio of 1:20 problem families.
22	Service Purchase	Calculated at \$175 per child.
23	Travel	Calculated at \$11,500 per direct service worker annually (including the support workers), supervisors and agency ED.
24	Legal - Children	\$3000 per multiple problem family.

Notes

Where current provincial salary grids were not available for the purpose of this costing exercise, 2% compounded annually from the EPFA implementation date, was added to each salary total. These numbers will be validated prior to any further implementation

Newfoundland and Labrador

In Newfoundland and Labrador, the provincial government provides child and family services directly to the two Innu communities (Natuashish and Sheshatshiu) in Labrador and INAC reimburses the province for the costs of these services through a funding agreement.

In addition, INAC provides direct funding under Directive 20-1 to the Miawpukek First Nation to deliver child and family services in that community. Miawpukek First Nation purchases protection services from the province.

New Investments

As part of INAC's immediate relief investment, approximately \$1 million in additional funding will be provided to the Miawpukek First Nation and the Newfoundland and Labrador provincial government (in support of the two Innu communities). \$0.6 million of this investment will be available in Q1 2016-17.

By Year 4, service providers in Newfoundland and Labrador will receive approximately \$2.6 million in new investments (funding is ongoing), for a 5 Year total investment of \$10 million additional Program funding¹¹.

Costing Assumptions

Service providers in Newfoundland and Labrador are currently operating under Program Directive 20-1. The funding formula used to estimate the increased funding needed in Newfoundland and Labrador is based on an updated EPFA agency model. This updated formula includes:

- Updated provincial salary funding; and
- Upward adjustments to the children in care rate to 2013/14 actuals for agencies with over 6% of children in care providing \$1.3 million in additional funding to the Government of Newfoundland and Labrador, at full implementation.

¹¹ Subject to Parliamentary and Treasury Board approval

BUDGET 2016 UPDATED EPFA FUNDING 1000 MODEL - NEWFOUNDLAND AND LABRADOR

Member First Nations and 0-18 Population	<u>1,000</u>
Total number of children serviced by agency	1,000
Children in care	60
Multiple problem families (20%)	67

Provincial Front Line Social Worker II Average Salary (2014)	\$73,444
Community Services Worker	\$53,411
Provincial clinical Program Supervisor (2014)	\$82,238
Provincial Social Assistance Worker Salary (2014)	\$53,908

Social Worker I Salary	69791
Social Worker II Salary	71641
Social Worker III Salary	78900
Average	73444

	FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Agency Core	Protection	Prevention / Least Disruptive Measures
Administrative Formula								
1 Board of Directors	\$50,000			\$50,000	\$50,000	\$50,000		
2 Director	\$101,000	1	\$101,000		\$101,000	\$101,000		
3 HR Staff	\$53,908	1	\$53,908		\$53,908	\$53,908		
4 Administrative support	\$51,922	1	\$51,922		\$51,922	\$51,922		
5 Financial Support	\$55,583	1	\$55,583		\$55,583	\$55,583		
6 Evaluation (Footnote 1)	\$10,200			\$10,200	\$10,200	\$10,200		
7 Audit	\$10,000			\$10,000	\$10,000	\$10,000		
8 Insurance	\$40,000			\$40,000	\$40,000	\$40,000		
9 Legal	\$30,000			\$30,000	\$30,000	\$30,000		
10 Admin overhead (15%)				\$244,257	\$244,257	\$47,411	\$140,086	\$56,760
11 Benefits (@20.45%)			\$276,466		\$276,466	\$53,663	\$158,558	\$64,244
12 Ongoing training	\$2,000			\$38,000	\$38,000	\$8,000	\$22,000	\$8,000
13 Off-Hour emergency service (10%)			\$87,468		\$87,468		\$71,296	\$16,172
14 Supervisors	\$82,238	2	\$164,476		\$164,476		\$114,188	\$50,288
15 Support staff	\$53,908	2	\$107,816		\$107,816		\$75,754	\$32,062
Services Formula								
16 Intake/Investigation	\$73,444	2	\$146,888		\$146,888		\$146,888	
17 Resource support workers to families that provide care	\$73,444	2	\$146,888		\$146,888		\$146,888	
18 Guardianship social worker	\$73,444	1	\$73,444		\$73,444		\$73,444	
19 Child Protection workers	\$73,444	2	\$146,888		\$146,888		\$146,888	
20 Service Integration Co-ordinator	\$53,908	1	\$53,908		\$53,908			\$53,908
21 Community service worker	\$53,908	3	\$161,724		\$161,724			\$161,724
22 Service purchase @\$175/child				\$175,000	\$175,000		\$87,500	\$87,500
23 Travel for service staff	\$11,500			\$184,000	\$184,000	\$11,500	\$126,500	\$46,000
Totals:		19	\$1,628,379	\$781,457	\$2,409,836	\$523,187	\$1,309,990	\$576,658

Total Funding - Operations	\$1,833,177.00
Total Funding - Prevention	\$576,658
Total INAC Funding	\$2,409,835.00

Newfoundland Labrador Methodology

The calculations are based upon the following assumptions:

	Number of children served by agency	The 0-18 registered First Nations children on reserve count.
	Number of children in care	Maintained a CIC average count of 6% for each agency, unless 13/14 IMS Actual CIC count was above the 6% threshold.
	Number of multiple problem families	Discussed during tripartite meetings and decided a fair number is 3 children per family. The calculation is taking the 0-18 child pop, dividing by 3 and then taking 20% of the total. It is understood that many families on reserve have more than 3 children; however, if the number were any higher, it would drive the total down.
1	Board of Directors	Board expenditures are not to exceed \$50,000 per year. Additional funding can be provided to address remoteness and/or multi-site agencies. Board of Directors funding is not provided to provincial service providers.
2	Agency Director (or Executive Director)	Salaries based on provincial comparability. Currently every agency (small to large) is given one ED at the mid-range of the provincial salary scale for this position.
3	HR Coordinator	Salaries based on provincial comparability. Currently every agency (small to large) is given one HR person at the mid-range of the provincial salary scale for this position.
4	Administrative Assistant/ Receptionist	Salaries based on provincial comparability. Currently every agency (small to large) is given one Admin Assistant at the mid-range of the provincial salary scale for this position.
5	Financial Support	Most medium to large agencies require a Financial Manager and financial support workers. 1 Financial Manager per agency.
10	Administrative overhead	Calculated using 15% of the total salaries and benefits of the organization. This is intended to be used for rent (mortgage payments) / IT / supplies / heat/hydro/janitorial services/ telephone etc.... The national (and GoC average is 10%); however, 15% is used to take into account the IT needs that would not be included in government accommodation costs.
11	Benefits	Calculated using the GoC 20.45% of total salaries. This was based on an AANDC program decision to maintain consistency across the country
12	Ongoing training	Calculated at \$2000 per employee depending on the jurisdiction (this is supposed to include the travel associated with the training). Tripartite roles and responsibilities have been developed to have Provincial Casework Practice and IT training provided to First Nations Agency staff by the province at no direct cost, however, in practice, this has not always taken place. Further bilateral work with provinces is necessary to mitigate.
13	Off hour/emergency service	Calculated at 10% of total costs for direct delivery staff (social workers and support workers) and supervisors.
14	Supervisors	1 supervisor for every 6 direct service delivery staff (this includes social workers and service support workers).
15	Support Staff	1 support staff for every 6 direct service delivery staff (this includes social workers and supervisors).
16	Intake/Investigation	These are additional social workers required to support caseloads that are not children in care. The calculation for the number of staff uses the multiple problem families count at a 1:30 ratio.
17 18 19	Social Workers	There are various names for the types of social workers and each jurisdiction's formula lists their respective workers (i.e. foster care worker, case managers, family enhancement workers etc.). The salaries are based on the mid-range of the provincial salary scale and the number of social workers is based on a provincial caseload ratios. Support to Foster Care Families - 1:40 CIC Guardianship Social Worker - 1 per 800 children served Child Protection Workers - 1:30 CIC
20	Service Integration Co-ordinator	1 per agency.
21	Community Service Workers	Ratio of 1:20 problem families.
22	Service Purchase	Calculated at \$175 per child.
23	Travel	Calculated at \$11,500 per direct service worker annually (including the support workers), supervisors and agency ED.

Adjustment for Size	
Child Population (0-18)	FTE Adjustment for Scale
100	12.50%
200	25.00%
300	37.50%
400	50.00%
500	62.50%
600	75.00%
700	87.50%
800+	1.00%

Nova Scotia

The Mi'kmaw Family and Children Services ("MFCS") Agency is the only FNCFS agency in Nova Scotia, serving all 13 First Nation communities in the province. The agency is fully delegated by the province and provides both protection and prevention services.

New Investments

As part of INAC's immediate relief investment, \$0.47 million will be provided to the MFCS with \$0.28 million being provided in Q1 2016-17.

By Year 4, the MFCS will receive approximately \$0.7 million in new investments (funding is ongoing), for a 5 Year total investment of \$3.2 million additional FNCFS Program funding⁹.

Updates to the MFCS funding formula include:

- Upward adjustments to staff salaries to ensure comparability with provincial rates;
- Increased funding provided for audit, insurance and legal services;
- Updated off-hour emergency services to 10% from 5%;
- Additional funding for Intake and Investigation, providing \$0.6 million to the agency at full implementation (2019-2020); and,
- Increased agency travel funding to \$11,500 from \$10,000;

⁹ Subject to Parliamentary and Treasury Board approval

Original Mi'kmaq Family and Children's Services of Nova Scotia 1000 MODEL

Member First Nations and 0-18 Population 1,000
Children in care - protection cases 67
Prevention / Family Enhancement cases 60
Foster care homes 58
Number of Bands 13

Administrative Formula		# of Staff	Salary	Non-Salary	Totals	Fixed	Variable	
						Agency Core	Protection	Prevention / LDM
1 Board of directors	\$50,000			\$50,000	\$50,000	\$50,000		
2 Director	\$77,137	1	\$77,137		\$77,137	\$77,137		
3 Director - Direct Delivery	\$67,819	1	\$67,819		\$67,819		\$49,323	\$18,496
4 HR Staff	\$41,612	1	\$41,612		\$41,612	\$41,612		
5 Secretary/Receptionist	\$35,334	1	\$35,334		\$35,334	\$35,334		
6 Controller	\$61,730	1	\$61,730		\$61,730	\$61,730		
7 Finance support staff	\$35,334	3	\$106,001		\$106,001	\$106,001		
8 Evaluation (Footnote 1)	\$0			\$0	\$0	\$0	\$0	\$0
9 Audit	\$12,000			\$12,000	\$12,000	\$12,000		
10 Insurance	\$34,300			\$34,300	\$34,300	\$34,300		
11 Legal	\$10,000			\$10,000	\$10,000	\$10,000		
Administrative overhead - 15% of salaries and								
12 benefits				\$631,048	\$631,048	\$48,272	\$500,230	\$24,764
13 Benefits - 20% of total salaries			\$701,165		\$701,165	\$64,363	\$447,738	\$108,202
14 Ongoing training	\$130,000			\$130,000	\$130,000	\$14,000	\$82,000	\$34,000
15 Off-Hour emergency service			\$117,192		\$117,192		\$79,780	\$18,151
16 Support staff	\$35,334	10	\$353,335		\$353,335		\$212,001	\$141,334
17 Supervisors	\$65,979	8	\$527,828		\$527,828		\$329,893	\$197,936
Services Formula								
18 Foster care homes - support to foster families	\$55,031	1	\$55,031		\$55,031		\$55,031	
19 Foster care resource workers and home study workers	\$55,031	4	\$220,122		\$220,122		\$220,122	
20 Child care worker - direct delivery	\$55,031	3	\$165,092		\$165,092		\$165,092	
21 Case Aides	\$40,851	2	\$81,703		\$81,703		\$81,703	
21 Family support / prevention - direct delivery	\$55,031	3	\$165,092		\$165,092			\$165,092
22 Purchased Services (1)	\$950,000			\$1,250,000	\$1,250,000		\$200,000	\$1,050,000
23 Travel for service staff	\$460,000			\$490,000	\$490,000	\$10,000	\$350,000	\$60,000
Provincial administrative re-imbursement for CIC of agency					-\$250,000		-\$250,000	
Totals:		65	\$4,206,987	\$2,607,348	\$6,564,335	\$564,749	\$3,568,660	\$1,817,974

(1) Includes \$'s for prevention programming, including family circles and conferencing, and additional family supports.
26 Incremental Adjustment (Line 26 less Line 28)

\$0

Agency Core and Protection Least Disruptive Measures / Prevention Funding	Operations Formula with 8.24% Budget 2005 Adjustment		Adjustment
	New Formula	2005 Adjustment	
	\$3,256,716	\$0	-\$18,383
	\$1,817,974		\$1,817,974

Footnotes:

1) Evaluation funding was obtained through Budget 2005 and will be funded every 3 years in the amount of \$30,600.00 as a fixed amount.

BBUDGET 2016 UPDATED EPFA FUNDING 1000 MODEL - NOVA SCOTIA

Member First Nations and 0-18 Population **1,000**
Total number of children serviced by agency **60**
Children in care - protection cases (6%) **60**
Multiple problem families **67**

Administrative Formula		# of Staff	Salary	Non-Salary	Totals	Fixed	Variable	
						Agency Core	Protection	Prevention / LDM
1 Board of directors	\$50,000			\$50,000	\$50,000	\$50,000		
2 Director	\$87,626	1	\$87,626		\$87,626	\$87,626		
3 Director/Direct Delivery	\$75,545	1	\$75,545		\$75,545		\$41,206	\$34,339
4 HR Staff	\$45,900	1	\$45,900		\$45,900	\$45,900		
5 Secretary/Receptionist	\$40,586	1	\$40,586		\$40,586	\$40,586		
6 Financial Manager/ Controller	\$79,659	1	\$79,659		\$79,659	\$79,659		
7 Administrative/Finance Support	\$40,586	4	\$162,344		\$162,344	\$162,344		
8 Evaluation (Footnote 1)	\$10,200			\$0	\$0	\$10,200	\$0	\$0
9 Audit	\$15,000			\$15,000	\$15,000	\$15,000		
10 Insurance	\$40,000			\$40,000	\$40,000	\$40,000		
11 Legal - Corporate	\$50,000			\$50,000	\$50,000	\$50,000		
Administrative overhead - 15% of salaries								
12 and benefits				\$320,928	\$320,928	\$62,417	\$216,412	\$42,099
13 Benefits - 20.45% of total salaries			\$363,248		\$363,248	\$85,096	\$170,363	\$109,581
14 Ongoing training	\$2,000			\$58,000	\$58,000	\$20,000	\$32,000	\$10,000
15 Off-Hour emergency service (10%)			\$116,783		\$116,783		\$79,954	\$45,592
Services Formula								
17 Supervisors	\$69,610	3	\$208,830		\$208,830		\$69,609.90	\$139,220
16 Support staff	\$36,041	2	\$72,081		\$72,081		\$36,040.68	\$36,041
18 Foster care resource workers and support to foster families	\$56,132	2	\$112,263		\$112,263		\$112,263	
19 Child care worker - direct delivery	\$69,611	4	\$278,445		\$278,445		\$278,445	
20 Case Aides (2AB-FSW and 2A-Case aides)	\$47,160	1	\$47,160		\$47,160		\$47,160	
21 Family support / prevention - direct delivery	\$56,132	5	\$280,658		\$280,658			\$280,658
22 Intake	\$56,132	3	\$168,395		\$168,395		\$168,395	
23 Purchased Services @ \$175				\$175,000	\$175,000		\$87,500	\$87,500
24 Travel for service staff	\$11,500			\$241,500	\$241,500	\$11,500	\$172,500	\$57,500
25 Legal - children	\$3,000			\$180,000	\$180,000	\$180,000		
Totals:		29	\$2,139,523	\$1,130,428	\$3,269,951	\$940,328	\$1,511,848	\$842,530

Total Funding - Operations \$2,452,176.41
Total Funding - Prevention \$842,530
Total INAC Funding \$3,294,705.99

Nova Scotia Costing Methodology

The calculations are based upon the following assumptions:

Line Item		Description
	Number of children served by agency	The 0-18 registered First Nations children on reserve count.
	Number of children in care	Maintained a CIC average count of 6% for each agency, unless 13/14 IMS Actual CIC count was above the 6% threshold.
	Number of multiple problem families	Discussed during tripartite meetings and decided a fair number is 3 children per family. The calculation is taking the 0-18 child pop, dividing by 3 and then taking 20% of the total. It is understood that many families on reserve have more than 3 children; however, if the number were any higher, it would drive the total down.
1	Board of Directors	Board expenditures are not to exceed \$50000 per year. Additional funding can be provided to address remoteness and/or multi-site agencies.
2	Agency Director (or Executive Director)	Salaries based on provincial comparability. Currently every agency (small to large) is given one ED at the mid-range of the provincial salary scale for this position.
3	Enhanced Prevention Manager	Currently every agency (small to large) is given one Enhanced Prevention Manager.
4	HR person (or HR Coordinator)	Salaries based on provincial comparability. Currently every agency (small to large) is given one HR person at the mid-range of the provincial salary scale for this position.
5	Administrative Assistant/ Receptionist	Salaries based on provincial comparability.
6	Financial Manager (or Comptroller)	Most medium to large agencies require a Financial Manager and financial support workers. 1 Financial Manager per agency.
7	Financial Support Staff	Added this line to provide direct financial support to non-service employees. 1 additional Financial Support for every 100 CIC.
11	Administrative overhead	Calculated using 15% of the total salaries and benefits of the organization. This is intended to be used for rent (mortgage payments) / IT / supplies / heat/hydro/janitorial services/ telephone etc.... The national (and GoC average is 10%); however, 15% is used to take into account the IT needs that would not be included in government accommodation costs.
12	Benefits	Calculated using the GoC 20.45% of total salaries. This was based on an AANDC program decision to maintain consistency across the
13	Ongoing training	Calculated at \$2000 per employee depending on the jurisdiction (this is supposed to include the travel associated with the training). Tripartite roles and responsibilities have been developed to have Provincial Casework Practice and IT training provided to First Nations Agency staff by the province at no direct cost, however, in practice, this has not always taken place. Further bilateral work with provinces is necessary to mitigate.
14	Off hour/emergency service	Calculated at 10% of total costs for direct delivery staff (social workers and support workers) and supervisors.
16	Supervisors	1 supervisor for every 6 direct service delivery staff (this includes social workers and service support workers).
17	Support Staff	1 support staff for every 8 direct service delivery staff (this includes social workers and supervisors).
18 19	Social Workers	There are various names for the types of social workers and each jurisdiction's formula lists their respective workers (i.e. foster care worker, case managers, family enhancement workers etc.). The salaries are based on the mid-range of the provincial salary scale and the number of social workers is based on a provincial caseload ratios. Child care worker - 1:15 per CIC
20	Case Aides (2AB-FSW and 2A-Case aides)	1:6 for ever child care worker
21	Family Support/Prevention	Ratio of 1:15 problem families
22	Intake/Investigation	These are additional social workers required to support caseloads that are not children in care. The calculation for the number of staff uses the multiple problem families count at a 1:25 ratio.
23	Service Purchase	Calculated at \$175 per child
24	Travel	Calculated at \$11,500 per direct service worker annually (including the support workers), supervisors and agency ED. In some cases, a remoteness amount is included in the travel cost. This is done on a recipient by recipient bases.
25	Legal - Children	\$3000 per child in care.

Notes

Where current provincial salary grids were not available for the purpose of this costing exercise, 2% compounded annually from the EPFA implementation date, was added to each salary total. These numbers will be validated prior to any further implementation

Ontario

Currently, INAC funds on-reserve First Nations child and family services in Ontario through the Ontario *Memorandum of Agreement Respecting Welfare Programs for Indians* (1965 Agreement). INAC reimburses the Province of Ontario for a share of the cost of providing services to people on reserve. These services include income assistance, assisted living, child and family services, daycare, and homemakers programs on reserve. First Nations are not co-signatories of the 1965 Agreement.

In Ontario, according to the *1965 Agreement*, INAC reimburses the provincial government for approximately 93% of the costs of social services, including child and family services, provided to First Nation people ordinarily resident on reserve. For child and family services, the 1965 Agreement reimburses costs for agency operations and child maintenance costs of provincially-mandated FNCFS agencies and mainstream Children's Aid Societies based on the provincial funding framework and the proportion of registered Indian days of care in each agency. It also reimburses approximately \$17 million in provincial costs for targeted Indigenous prevention services initiatives on-reserve. There is no existing provincial formula for allocating prevention services funding: budgets have been established historically with each service provider, funded through annual provincial service contracts.

The Mohawk Council of Akwesasne governs the Akwesasne Mohawk Territory in the Canadian portion of the community that crosses international (United States and Canada) and provincial (Ontario and Quebec) borders. Akwesasne Child and Family Services provides protection and prevention services to children and families resident in the Ontario and Quebec portions of the community.

New Investments

As part of the Department's immediate relief investment, approximately \$8.0 million will be provided to the Ontario Government and to the Mohawk Council of Akwesasne (Quebec residents). Approximately \$4.9M of this investment will be provided in Q1 2016-17.

By Year 4, service providers in Ontario, including the Mohawk Council of Akwesasne, will receive approximately \$18.2 million in new investments (funding is ongoing), for a 5 Year investment of \$70.5 million additional Program funding⁶.

Costing Assumptions

Funding for services to children and families resident in the Quebec portion of the Akwesasne Mohawk Territory is calculated using the Quebec EPFA model.

Costing for enhanced prevention services for Ontario First Nations was calculated to enable a more equitable allocation across all agencies (to an average of more than \$1,000 per on-reserve child aged up to 18), as well as potential new prevention services. For example, First Nations and service providers may wish to introduce programs targeted to at-risk children and youth. Costing for such a program on-reserve was calculated based on the current provincial investment in the youth-

⁶ Subject to Parliamentary and Treasury Board approval

Annex B

*Released under the Access
to Information Act*

*Communiqué en vertu de la
Loi sur l'accès à
l'information*

focussed Akwe:go and Wasa-Nabin programs offered off-reserve by Friendship Centres in Ontario municipalities.

However, First Nations and service providers funded by the Province of Ontario may wish to design and implement other types of services to meet specific needs to prevent children from coming into care.

Prince Edward Island

In Prince Edward Island, all FNCFS funding flows to the Mi'kmaq Confederacy of Prince Edward Island (MCPEI) which provides prevention services to the two on-reserve First Nation communities. MCPEI purchases protection services from the Province, who delivers the protection services to the two First Nation communities (Abegweit First Nation and the Lennox Island First Nation).

New Investments

As part of INAC's immediate relief investment, \$0.16 million will be provided to MCPEI, with \$0.09 million of this investment being provided in Q1 2016-17.

By Year 4, MCPEI will receive approximately \$0.27 million in new investments (funding is ongoing), for a 5 Year total investment of \$1.1 million additional FNCFS Program funding¹⁰.

Updates to the MCPEI funding formula include:

- Upward adjustments to staff salaries to ensure comparability with provincial rates;
- Increased funding to provide funding for a full-time position, instead of only partial funding;
- Increased agency travel funding to \$11,500 from \$10,000;
- Updated off-hour emergency services to 10% from 5%;
- Increase to \$175 from \$150 for service purchase per child; and
- Increasing funding provided for audit, insurance and legal services.

¹⁰ Subject to Parliamentary and Treasury Board approval

ORIGINAL MCPEI 1000 MODEL

Member First Nations and 0-18 Population 1,000
Children in care based on 6.0% 60
Multiple Problem Families 67

Provincial Average Salary for 2008-2009

Forecast Provincial Front Line Social Worker Average Salary \$52,807
Forecast Provincial Social Worker Supervisor Average Salary \$65,306
Forecast Provincial Secretarial Average Salary \$40,492
Forecast Provincial Clerical Average Salary \$40,492

Administrative Formula	2008 FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed	Variable	
						Agency Core	Protection	Prevention / Least Disruptive Measures
1 Board of Directors	\$50,000			\$50,000	\$50,000	\$50,000		
2 Director	\$72,560	1	\$72,560		\$72,560	\$72,560		
3 HR Staff	\$44,714	1	\$44,714		\$44,714	\$44,714		
4 Secretary/Receptionist	\$40,492	1	\$40,492		\$40,492	\$40,492		
5 Financial support	\$52,807	1	\$52,807		\$52,807	\$52,807		
6 Evaluation (Footnote 1)	\$0			\$0	\$0	\$0	\$0	\$0
7 Audit	\$8,500			\$8,500	\$8,500	\$8,500		
8 Insurance	\$24,000			\$24,000	\$24,000	\$24,000		
9 Legal	\$20,000			\$20,000	\$20,000	\$20,000		
10 Admin overhead (rent, IT etc)	\$153,627			\$153,627	\$153,627	\$38,045	\$55,417	\$60,164
11 Benefits (@20.45%)	\$173,885		\$173,885		\$173,885	\$43,062	\$86,083	\$44,739
12 Ongoing training	\$28,104			\$28,104	\$28,104	\$8,000	\$13,404	\$6,700
13 Off-Hour emergency service	\$20,735		\$20,735		\$20,735		\$9,796	\$10,939
14 Supervisors	\$70,530	1.08	\$70,530		\$70,530		\$40,892	\$29,638
15 Admin Support staff	\$81,143	1.51	\$81,143		\$81,143		\$29,446	\$31,697
Services Formula								
16 Case managers (child intervention)	\$195,918	3.00	\$195,918		\$195,918		\$195,918	
17 Prevention / Least Disruptive Measures	\$218,775	3.35	\$218,775		\$218,775			\$218,775
18 Case Conference Co-ordinator	\$65,306	1.00	\$65,306		\$65,306			\$65,306
19 Foster care trainer / Recruit support / Placement resource	\$7,314	0.112	\$7,314		\$7,314		\$7,314	
20 Service purchase @\$150/child	\$150,000			\$150,000	\$150,000		\$75,000	\$75,000
21 Travel for service staff	\$95,420			\$95,420	\$95,420	\$10,000	\$41,920	\$43,500
Totals:	\$1,553,830	14.052	\$1,024,179	\$529,651	\$1,553,830	\$412,180	\$555,190	\$586,458

Total \$1,553,830 Total \$1,553,828

Adjustment for Scale \$97,084 \$555,190 \$586,458

Adjustment for Scale Total \$1,238,732

Program Directive 20-1 Chapter 5 \$182,540.58

Change from 20-1 Chapter 5 \$1,056,191

Footnotes:

1) Evaluation funding was obtained through Budget 2005 and will be funded every 3 years in the amount of \$30,600.00 as a fixed amount.

2) Totals may be imprecise due to rounding.

3) n/a - Staff Total is not valid for agencies serving less than 800 children as the formula is subject to Adjustment for Scale.

Member First Nations and 0-18 Population 1,000
Children in care based on 6.0% 60
Multiple Problem Families 67

Provincial Average Salary for 2008-2009
Forecast Provincial Front Line Social Worker Average Salary \$63,832
Forecast Provincial Social Worker Supervisor Average Salary \$78,933
Forecast Provincial Secretarial Average Salary \$52,220
Forecast Provincial Clerical Average Salary \$55,590

Administrative Formula		# of Staff	Salary	Non-Salary	Totals	Fixed	Variable	
						Agency Core	Protection	Prevention / Least Disruptive Measures
1 Board of Directors	\$50,000				\$50,000	\$50,000		
2 Director	\$82,500	1	\$82,500		\$82,500	\$82,500		
3 HR Staff	\$55,590	1	\$55,590		\$55,590	\$55,590		
4 Secretary/Receptionist	\$52,220	1	\$52,220		\$52,220	\$52,220		
5 Financial Manager	\$63,832	1	\$63,832		\$63,832	\$63,832		
6 Evaluation (Footnote 1)	\$10,200				\$10,200	\$10,200		
7 Audit	\$10,000				\$10,000	\$10,000		
8 Insurance	\$25,000				\$25,000	\$25,000		
9 Legal	\$25,000				\$25,000	\$25,000		
10 Admin overhead (rent, IT etc) (15%)				\$185,611	\$185,611	\$45,917	\$79,289	\$60,405
11 Benefits (@20.45%)			\$210,087		\$210,087	\$51,972	\$118,954	\$39,161
12 Ongoing training	\$2,000			\$30,000	\$30,000	\$8,000	\$16,000	\$6,000
13 Off-Hour emergency service (10%)			\$57,310		\$57,310		\$38,161	\$19,150
Services Formula								
14 Supervisors	\$78,933	1.00	\$78,933		\$78,933		\$52,622	\$26,311
15 Support Staff	\$111,179	2.00	\$111,179		\$111,179		\$63,531	\$47,648
16 Case managers (child intervention)	\$63,832	3.00	\$191,496		\$191,496		\$191,496	
17 Prevention / Least Disruptive Measures	\$63,832	3.00	\$191,496		\$191,496			\$191,496
18 Case Conference Co-ordinator	\$78,933	1.00	\$78,933		\$78,933			\$78,933
19 Foster care trainer / Recruit support / Placement resource	\$63,832	1.000	\$63,832		\$63,832		\$63,832	
20 Service purchase @\$175/child	\$175			\$175,000	\$175,000		\$87,500	\$87,500
21 Travel for service staff	\$11,500			\$115,000	\$115,000	\$11,500	\$57,500	\$46,000
Totals:		15	\$1,237,408	\$505,611	\$1,863,219	\$491,731	\$768,886	\$602,604

Total Funding - Operations \$1,260,815.80
Total Funding - Prevention \$602,604

P.E.I. Costing Methodology

The calculations are based upon the following assumptions:

	Number of children served by agency	The 0-18 registered First Nations children on reserve count.
	Number of children in care	Maintained a CIC average count of 6% for each agency, unless 13/14 IMS Actual CIC count was above the 6% threshold.
	Number of multiple problem families	Discussed during tripartite meetings and decided a fair number is 3 children per family. The calculation is taking the 0-18 child pop, dividing by 3 and then taking 20% of the total. It is understood that many families on reserve have more than 3 children; however, if the number were any higher, it would drive the total down.
1	Board of Directors	Board of Directors funding is not provided as MCPEI contracts the province to provide FNCFES services.
2	Agency Director (or Executive Director)	Salaries based on provincial comparability. Currently every agency (small to large) is given one ED at the mid-range of the provincial salary scale for this position.
3	HR person (or HR Coordinator)	Salaries based on provincial comparability. Currently every agency (small to large) is given one HR person at the mid-range of the provincial salary scale for this position.
4	Administrative Assistant/ Receptionist	Salaries based on provincial comparability. Currently every agency (small to large) is given one Admin Assistant at the mid-range of the provincial salary scale for this position.
5	Financial Manager	Most medium to large agencies require a Financial Manager and financial support workers. 1 Financial Manager per agency.
10	Administrative overhead	Calculated using 15% of the total salaries and benefits of the organization. This is intended to be used for rent (mortgage payments) / IT / supplies / heat/hydro/janitorial services/ telephone etc.... The national (and GoC average is 10%); however, 15% is used to take into account the IT needs that would not be included in government accommodation costs.
11	Benefits	Calculated using the GoC 20.45% of total salaries. This was based on an AANDC program decision to maintain consistency across the country.
12	Ongoing training	Calculated at \$2000 per employee depending on the jurisdiction (this is supposed to include the travel associated with the training). Tripartite roles and responsibilities have been developed to have Provincial Casework Practice and IT training provided to First Nations Agency staff by the province at no direct cost, however, in practice, this has not always taken place. Further bilateral work with provinces is necessary to mitigate.
13	Off hour/emergency service	Calculated at 10% of total costs for direct delivery staff (social workers and support workers) and supervisors.
14	Supervisors	1 supervisor for every 6 direct service delivery staff (this includes social workers and service support workers).
15	Support Staff	1 support staff for every 5 direct service delivery staff (this includes social workers and supervisors).
16	Case Managers	There are various names for the types of social workers and each jurisdiction's formula lists their respective workers (i.e. foster care worker, case managers, family enhancement workers etc.). The salaries are based on the mid-range of the provincial salary scale and the number of social workers is based on a provincial caseload ratio of 1:20.
17	Prevention	Ratio of 1:20 problem families.
18	Case Conference Co-ordinator	1 Co-ordinator per agency.
19	Foster care trainer / Recruit support / Placement resource	1 per agency.
20	Service Purchase	Calculated at \$175 per child.
21	Travel	Calculated at \$12000 per direct service worker annually (including the support workers), supervisors and agency ED. In some cases, a remoteness amount is included in the travel cost. This is done on a recipient by recipient bases.

Adjustment for Size	
Child Population (0-18)	FTE Adjustment for Scale
100	12.50%
200	25.00%
300	37.50%
400	50.00%
500	62.50%
600	75.00%
700	87.50%
800+	1.00%

Rates from: http://www.gov.pe.ca/photos/original/lir_govtupse.pdf

	Low	High	Average	Use
Director of CFS	n/a	n/a	n/a	\$82,500
Level 21 (Supervisors)	\$63,790	\$79,723	\$71,757	\$78,933
Level 18 (UPSE Child Protection officer)	\$54,423	\$68,023	\$61,223	\$67,345
Level 17 (UPSE Social Worker)	\$51,581	\$64,476	\$58,029	\$63,832
Level 14 (UPSE Youth Worker)	\$49,291	\$58,557	\$53,974	\$59,371
Level 13 (UPSE Youth Worker)	\$46,136	\$54,935	\$50,536	\$55,590
Level 12 (UPSE Admin Support)	\$43,292	\$51,854	\$47,473	\$52,220
HR (Level 13)				
Finance (Level 17)				

Quebec

In Quebec, 15 FNCFS Agencies funded by INAC deliver child and family services in 19 First Nation communities, while 3 provincially-run Centres jeunesse serve 8 other First Nation communities.

FNCFS Agencies in Quebec are either fully delegated (full range of protection and prevention services) or partly delegated (provision of prevention services only) by the Province of Quebec. Some First Nation communities therefore receive prevention services from one agency (usually a FNCFS agency) and protection services from another (usually a provincially-run Centre jeunesse).

New Investments

As part of INAC's immediate relief investment, approximately \$9.9 million will be provided to the 15 FNCFS agencies and to 3 Centres jeunesse. Approximately \$6.0 million of this investment will be available in Q1 2016-17.

By Year 4, service providers in Quebec will receive approximately \$16.6 million in new investments (funding is ongoing), for a 5 Year total investment of \$68 million in additional FNCFS Program funding⁷.

Updates to the Quebec agency funding formula include:

- Adjustments to the children in care rate to reflect 2013/2014 actual data for agencies with over 6% of children in care providing \$3.9 million in additional funding to 7 agencies at full implementation;
- Upward adjustments to staff salaries to ensure comparability with provincial rates;
- Funding for a financial manager and amending the financial support worker line to provide an extra staff member to agencies with over 100 children in care;
- Increased funding for audit, insurance and legal services;
- Updated off-hour emergency services to 10% from 5%;
- Funding for intake and investigation, providing \$1.2 million to all agencies at full implementation;
- Funding for a staff member to provide support to foster families;
- Increased agency travel funding to \$11,500 from \$10,000; and
- Increase to \$175 from \$100 for service purchase per child, providing \$0.89 million at full implementation.

⁷ Subject to Parliamentary and Treasury Board approval

Original Quebec EPFA 1000 Funding Model

Member First Nations On Reserve Pop.	0-18	Total
Total number of children serviced by agency	1,000	1,000
Children in care based on 6.0%	60	
Prevention - CLSC Model - Total Population	1,000	
Families Requiring Services	26	
5 year average of children in care (Quan T5)	13.93%	
Forecast Provincial Average Salary for 2008-2009 Based upon Salary Grids plus Year over Year increase for the Last Year of Increase		
Forecast Provincial Front Line Social Worker Average Salary		\$56,502
Forecast Provincial Social Worker Supervisor Average Salary		\$69,340
Professional salary Increment per professional for Remote Areas		\$11,727 \$7,536/\$9,320/\$11,727 for Regions 1/2 or 3 respectively
Travel Benefit		\$3,791 Average of \$397,19 for Wemotaci and \$445,36 for Manawan
Forecast Provincial Secretarial Average Salary		\$33,215
Forecast Provincial Clerical Average Salary		\$34,292

Administrative Formula	2008 FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed	Variable	
						Agency Core	Protection	Prevention / Least Disruptive Measures
1 Board of Directors	\$50,000			\$50,000	\$50,000	\$50,000		
2 Director	\$80,000	1	\$80,000		\$80,000	\$80,000		
3 HR Staff	\$39,300	1	\$39,300		\$39,300	\$39,300		
4 Secretary/Receptionist	\$33,215	1	\$33,215		\$33,215	\$33,215		
5 Financial support	\$51,000	1	\$51,000		\$51,000	\$51,000		
6 Evaluation (Footnote 1)	\$0			\$0	\$0	\$0	\$0	\$0
7 Audit	\$8,500			\$8,500	\$8,500	\$8,500		
8 Insurance	\$24,000			\$24,000	\$24,000	\$24,000		
9 Legal	\$20,000			\$20,000	\$20,000	\$20,000		
10 Admin overhead (rent, IT etc)	\$186,566			\$186,566	\$186,566	\$45,570	\$75,973	\$65,024
11 Benefits (@20.45%)	\$170,246		\$170,246		\$170,246	\$41,619	\$90,497	\$38,130
Adjustment for Benefits (@26.4%)	\$49,534		\$49,534		\$49,534	\$12,109	\$26,330	\$11,095
Salary Adjustment for Remoteness	\$144,711		\$144,711		\$144,711	\$35,181	\$59,104	\$50,426
Travel Benefit for Remote Areas	\$46,781		\$46,781		\$46,781	\$11,373	\$19,107	\$16,301
12 Ongoing training	\$30,020			\$30,020	\$30,020	\$8,000	\$15,420	\$6,600
13 Off-Hour emergency service	\$17,798		\$17,798		\$17,798		\$8,475	\$9,323
14 Supervisors	\$72,114	1.04	\$72,114		\$72,114		\$45,584	\$26,530
15 Support staff	\$57,268	1.67	\$57,268		\$57,268		\$31,380	\$25,888
Services Formula								
16 Case managers (child intervention)	\$169,506	3.00	\$169,506		\$169,506		\$169,506	
17 Prevention / Least Disruptive Measures	\$186,457	3.30	\$186,457		\$186,457			\$186,457
18 Case Conference Co-ordinator	\$69,340	1.00	\$69,340		\$69,340			\$69,340
19 Foster care trainer / Recruit support / Placement resource	\$56,502	1.00	\$56,502		\$56,502		\$56,502	
20 Service purchase @\$100/child	\$100,000			\$100,000	\$100,000		\$50,000	\$50,000
21 Travel for service staff	\$103,400			\$103,400	\$103,400	\$10,000	\$50,400	\$43,000
Totals:	\$1,766,258	15.01	\$1,243,772	\$522,486	\$1,766,258	\$469,867	\$698,278	\$598,114

Total funding at full implementation \$1,766,259

Program Directive 20-1 Chapter 5 \$1,486,087.46

Budget increase due to Enhanced Prevention Focus \$477,460

Implementation phasing allocation \$1,963,547

Footnotes:

- 1) Evaluation funding was obtained through Budget 2005 and will be funded every 3 years in the amount of \$30,600.00 as a fixed amount.
- 2) Totals may be imprecise due to rounding.

SEFPN – AJUSTEMENTS RÉGION DU QUÉBEC EN FONCTIONNEMENT ET PRÉVENTION

Ajustements de base effectués en 2010-2011

- Tiré directement de : « Table 2 » version du 11 mars 2010, Colonne « Prevention at 2010-2011 Full Year Phase in Implementation » (formule à 94,63%)
- Un ajustement à la hausse de 112 300 \$ / communauté desservie a été fait (justifié par regroupement des communautés sous une même agence et population « 0-18 ans » élevée) pour les agences suivantes :
 - CPEJ Abitibi-Témiscamingue (9061) (services livrés à 6 communautés)
 - Mamit Innuat (1140) (services livrés à 3 communautés)
 - Conseil de la Nation Atikamekw (1064) (services livrés à 2 communautés)
 - Kahnawake (0070) (population 0-18 ans très élevée - équivalent à 2 communautés)
- L'ajustement de 112 300 \$ est basé sur le calcul suivant :
 - 1 459 905 \$ (marge de manœuvre régionale, formule à 94,63% plutôt qu'à 100%) divisés par 13.
- Aucun ajustement n'a été fait pour Waban-Aki (1106) car très faible population de « 0-18 ans ».
- Ces ajustements ont été reconduits annuellement jusqu'en 2016-2017 – avant allocation du financement supplémentaire en lien avec les mesures de redressement immédiates.

Ajustements effectués en 2014-2015

Prévention (NPD7)

- Wendake : ajout de non récurrent 21 443\$ pour ajustement à la formule;
- Gesgapegiag : ajout de 28 101\$ non récurrent pour ajustement à la formule;
- Essipit : ajout de 17 473\$ non récurrent pour ajustement à la formule;
- C.J. Laurentides (Kanesatake) ajout de 211 485 \$ en prévention en lien avec le passage du 20-1 à l'AAAP en date du 1er août 2014. Calcul du montant selon la formule de l'AAAP, divisé par 12 mois et multiplié par le nombre de mois restant à l'exercice financier 14-15;
- CSSSPNQL: 500 000 \$ pour le soutien dans la mise en œuvre des services de prévention auprès des agences SEFPN.
- CSSSPNQL : 200 000\$ non-récurrent pour finaliser l'implantation d'ICLSC

Fonctionnement (NPD3)

- Wendake: ajout de 30 600 \$ non récurrent pour l'auto-évaluation;
- Gesgapegiag: ajout de 60 000 \$ non récurrent pour réponse à une crise sociale ;
- Timiskaming: financement non récurrent de 40 000 \$ pour réponse à une crise sociale;
- Essipit: ajout de 2 634 \$ pour ajustement à la formule de financement
- Matimekush: ajout de 72 532 \$ pour ajustement à la formule de financement
- C.N.A.: ajout de 987 552 \$ pour réajustement au montant du fonctionnement à celui reçu avec la formule 20-1 pour 14-15 et rétroactif pour 11-12, 12-13 et 13-14 (246 888 \$/année);
- C.J. Abitibi-Timiskaming: ajout de 1 294 860 \$ pour réajustement au montant du fonctionnement à celui reçu avec la formule 20-1 pour 14-15 et rétroactif pour 11-12, 12-13 et 13-14 (323 715 \$ \$/année);
- C.J. Abitibi-Timiskaming: ajout de 49 528 \$ non récurrent pour réponse à une crise sociale à Kitcisakik;
- C.J. Outaouais (Barrière Lake): Formule de financement 20-1 qui a été ajustée en ajoutant 160K avant 2010 et maintenu par la suite. À ce nouveau montant en 2014-2015, ajout de 45 298 \$ non récurrent pour projet de prévention de la négligence.
- CSSSPNQL: 210 528 \$

Ajustements effectués en 2015-2016

Prévention (NPD7)

- Lac Simon: ajout de 120 000 \$ non récurrent pour réponse à des crises sociales;
- Timiskaming: ajout de 30 000 \$ non récurrent pour réponse à des crises sociales;
- Matimekush : ajout de 82 657\$ en lien avec le passage de 20-1 à l'AAAP en octobre 2015.

Fonctionnement (NPD3)

- Gesgapegiag: ajout de 60 000 \$ non récurrent pour réponse à une crise sociale + ajout de 30 600 \$ non récurrent pour l'auto-évaluation;
- Matimekush: ajout de 378 937 \$ afin de rembourser les factures des ententes de services de 2012/2013 à 2014/2015 + prévision de 126 313 \$ pour l'entente de services de 2015-2016, basée sur une moyenne des années précédentes;
- CNA : ajout 1 306 888\$ pour pallier au déficit identifié pour l'application du système SIAA
- C.J. Abitibi-Timiskaming: Ajout d'un montant pour pallier au déficit identifié par le CJAT en 14-15 lié à la prestation des services directement liés aux placements à la suite de l'abolition du taux unifié.
- Barrière Lake: ajout de 30 000 \$ non récurrent pour réponse à des crises sociales;

2015-16 Updated FNCFS Funding Formula Template - Quebec

Member First Nations On Reserve Pop.	0-18
	1,000
Total number of children serviced by agency	1,000
Children in care based on 6.0%	60
Prevention - CLSC Model - Total Population	0
Families Requiring Services	67

Forecast Provincial Average Salary for 2008-2009 Based upon Salary Grids plus Year over Year increase for the Last Year of Increase	
Forecast Provincial Front Line Social Worker Average Salary	\$61,766
Forecast Provincial Social Worker Supervisor Average Salary	\$76,557
Professional salary increment per professional for Remote Areas	\$13,207 \$8,487/\$10,496/\$13,207 for Regions 1/2 or 3 respectively
Travel Benefit	\$3,057
Forecast Provincial Secretarial Average Salary	\$39,949
Forecast Provincial Clerical Average Salary	\$38,398
HR staff	\$43,230
Community Services Worker	\$61,766

Administrative Formula		# of Staff	Salary	Non-Salary	Totals	Fixed	Variable	Prevention / Least Disruptive Measures
						Agency Core	Protection	
1 Board of Directors	\$50,000			\$50,000	\$50,000	\$50,000		
2 Director	\$83,347	1.000	\$83,347		\$83,347	\$83,347		
3 HR Staff	\$43,230	1.000	\$43,230		\$43,230	\$43,230		
4 Secretary/Receptionist	\$39,949	1.000	\$39,949		\$39,949	\$39,949		
5 Financial Manager	\$55,204	1.000	\$55,204		\$55,204	\$55,204		
6 Financial Support	\$39,949	0.000	\$0		\$0	\$0		
7 Evaluation (Footnote 1)	\$10,200			\$10,200	\$10,200	\$10,200	\$0	\$0
8 Audit	\$10,000			\$10,000	\$10,000	\$10,000		
9 Insurance	\$40,000			\$40,000	\$40,000	\$40,000		
10 Legal	\$30,000			\$30,000	\$30,000	\$30,000		
11 Admin overhead - 15 % of Salaries and Benefits				\$311,290	\$311,290	\$49,359	\$187,002	\$74,929
12 Benefits (@20.45% of salaries)			\$288,389		\$288,389	\$45,344	\$189,496	\$53,549
Adjustment for Benefits (@26.4%) (entente tripartite pour 1er 5 ans)			\$83,908		\$83,908	\$13,193	\$55,135	\$15,581
14 Salary Adjustment for Remoteness			\$237,726		\$237,726	\$39,621	\$145,277	\$52,828
15 Travel Benefit for Remote Areas			\$55,026		\$55,026	\$9,171	\$33,627	\$12,228
16 Ongoing training	\$2,000			\$44,000	\$44,000	\$8,000	\$28,000	\$8,000
17 Off-Hour emergency service - 10%			\$102,429		\$102,429		\$83,899	\$18,530
18 Support Staff		2.000	\$153,114		\$153,114		\$111,356	\$41,758
Services Formula								
19 Supervisors	\$38,398	3.000	\$115,194		\$115,194		\$71,996	\$43,198
20 INTAKE/INVESTIGATION (ajout AC)	\$61,766	2.000	\$123,532		\$123,532		\$123,532	
21 Resource Support Worker to families that provide care	\$61,766	2.000	\$123,532		\$123,532		\$123,532	
22 Foster care trainer / Recruit support / Placement resource	\$61,766	1.000	\$61,766		\$61,766		\$61,766	
23 Case managers (child intervention)	\$61,766	4.000	\$247,064		\$247,064		\$247,064	
24 Case Conference Co-ordinator	\$76,557	1.000	\$76,557		\$76,557			\$76,557
25 Prevention / Least Disruptive Measures		3.000	\$185,298		\$185,298			\$185,298
26 Service purchase @\$175/child				\$175,000	\$175,000		\$87,500	\$87,500
27 Travel for service staff	\$11,500			\$195,500	\$195,500	\$11,500	\$138,000	\$46,000
Totals:		22.000	\$2,075,265	\$865,990	\$2,941,255	\$538,118	\$1,687,182	\$715,956

Total Funding - Operations	\$2,225,300.00
Total Funding - Prevention	\$715,956
Total INAC Funding	\$2,941,256.00

QUEBEC COSTING METHODOLOGY

The calculations are based upon the following assumptions:

Line Item	Description	Adjustment for Size Modified from Wen:De	
		Child Population (0-18)	Core adjustment for Scale
Number of children served by agency	The 0-18 registered First Nations children on reserve count.		
Number of children in care	Maintained a CIC average count of 6% for each agency, unless 13/14 IMS Actual CIC count was above the 6% threshold.	100 or less	12.50%
Number of multiple problem families	Discussed during tripartite meetings and decided a fair number is 3 children per family. The calculation is taking the 0-18 child pop, dividing by 3 and then taking 20% of the total. It is understood that many families on reserve have more than 3 children; however, if the number were any higher, it would drive the total down.	150	16.75%
1 Board of Directors	Board expenditures are not to exceed \$50,000 per year. Additional funding can be provided to address remoteness and/or multi-site agencies. As board of director funding was provided to CPEJ under the original funding formula and tripartite agreement, funding will continue to be provided to each of the CPEJ's.	200	25.00%
2 Agency Director (or Executive Director)	Salaries based on provincial comparability. Currently every agency (small to large) is given one ED at the mid-range of the provincial salary scale for this position	250	31.25%
3 HR person (or HR Coordinator)	Salaries based on provincial comparability. Currently every agency (small to large) is given one HR person at the mid-range of the provincial salary scale for this position	300	37.50%
4 Administrative Assistant/ Receptionist	Salaries based on provincial comparability. Currently every agency (small to large) is given one Admin Assistant at the mid-range of the provincial salary scale for this position	350	43.75%
5 Financial Manager	Most medium to large agencies require a Financial Manager and financial support workers. 1 Financial Manager per agency.	400	50.00%
6 Financial Support Staff	Added this line to provide direct financial support to non-service employees. 1 additional Financial Support for every 100 CIC.	450	56.25%
11 Administrative overhead	Calculated using 15% of the total salaries and benefits of the organization. This is intended to be used for rent (mortgage payments) / IT / supplies / heat/hydro/janitorial services/ telephone etc.... The national (and GoC average is 10%); however, 15% is used to take into account the IT needs that would not be included in government accommodation costs.	500	62.50%
12 Benefits	Calculated using the GoC 20.45% of total salaries. This was based on an AANDC program decision to maintain consistency across the country.	550	68.75%
13 Adjustment for Benefits (@28.4%) (entente tripartite pour 1er 5 ans)	Additional funding provided to all line items for benefits.	600	75.00%
14 Salary Adjustment for Remoteness	Professional salary increment per professional for Remote Areas: \$13,207 \$8,487/\$10,498/\$13,207 for Regions 1/2 or 3 respectively	650	81.25%
15 Travel Benefit for Remote Areas	Additional \$3,057 provided to service delivery staff (includes social workers)	700	87.50%
16 Ongoing training	Calculated at \$2000 per employee depending on the jurisdiction (this is supposed to include the travel associated with the training). Tripartite roles and responsibilities have been developed to have Provincial Casework Practice and IT training provided to First Nations Agency staff by the province at no direct cost, however, in practice, this has not always	750	93.75%
17 Off hour/emergency service	Calculated at 10% of total costs for direct delivery staff (social workers and support workers) and supervisors.	800+	1.00%
18 Support Staff	1 support staff for every 6 direct service delivery staff (this includes social workers and supervisors).		
19 Supervisors	1 supervisor for every 6 direct service delivery staff (this includes social workers and service support workers).		
20 Intake/Investigation	These are additional social workers required to support caseloads that are not children in care. The calculation for the number of staff uses the multiple problem families count at a 1:40 ratio.		
21 Resource Support Worker to families that provide care	These are additional social workers required to support foster family care. The calculation for the number of staff uses children in care count at a 1:40 ratio.		
22 Foster Care Trainer/Recruit Support/Placement Resources	1 per agency.		
23 Case manager (child intervention)	There are various names for the types of social workers and each jurisdiction's formula lists their respective workers (i.e. foster care worker, case managers, family enhancement		
24 Case Conference Co-Ordinator	1 case co-ordinator per agency		
25 Prevention Staff	Currently at least 1 prevention worker is provided, for larger agencies at a ratio of 1:20 was applied.		
26 Service Purchase	Calculated at \$175 per child.		
27 Travel	Calculated at \$12,000 per direct service worker annually (including the support workers), supervisors and agency ED. In some cases, a remoteness amount is included in the travel cost. This is done on a recipient by recipient bases.		

Notes

- Where current provincial salary grids were not available for the purpose of this costing exercise, 2% compounded annually from the EPFA implementation date, was added to each salary total. These numbers will be validated prior to any further implementation
- Salary adjustment for remoteness and travel benefits for remote areas are set through an incremental increase depending on the agency's location (Region 1, 2, 3).

Saskatchewan

There are 17 delegated FNCFS agencies that deliver services to 67 of the 70 First Nations in Saskatchewan with the province providing services to the 3 remaining communities. All FNCFS agencies are fully delegated by the province and provide both protection and prevention services.

New Investments

As part of INAC's immediate relief investment, approximately \$7.4 million will be provided to the 17 FNCFS agencies in Year 1 with \$4.5 million available in Q1 2016-17.

By Year 4, service providers in Saskatchewan will receive approximately \$12.4 million in new investments (funding is ongoing), for a 5 Year total investment of \$51 million additional Program funding⁴.

Updates to the Saskatchewan Funding Formula include:

- Adjusted the children in care rate to 2013/14 actuals for agencies with over 6% of children in care, providing \$340,699 in additional funding to 1 FNCFS agency at full implementation;
- Upward adjustments to staff salaries to ensure comparability with provincial rates;
- Funding for a Financial Support Worker for FNCFS agencies with over 100 children in care;
- Updated off-hour emergency services to 10% from 5%;
- Funding for Intake and Investigation with a ratio of 1:40 multiple problem families, providing \$2,478,645 to all FNCFS agencies at full implementation;
- Increased FNCFS agency travel funding to \$11,500 from \$10,000; and
- Increase to \$175 to service purchase per child, from \$125, providing \$1.4 million at full implementation.

⁴ Subject to Parliamentary and Treasury Board approval

Original 2009 Saskatchewan 1000 Model

Total number of children serviced by agency **1,000**
Children in care based on 6% **60**
Multiple problem families **67**
Number of Bands

Provincial Front Line Social Worker Average Salary (October 1 2007) \$53,950
Provincial Social Worker Supervisor Average Salary (October 1 2007) \$59,350
Provincial Support Worker Average Salary (October 1 2007) \$36,150

Administrative Formula	Basis of Calculations	# of Staff	Salary	Non-Salary	Totals	Fixed	Variable	
						Agency Core	Protection	Enhancement
1 Board of directors	\$50,000			\$50,000	\$50,000	\$50,000		
2 Director	\$77,000	1	\$77,000		\$77,000	\$77,000		
CFS Case Management / community resource co-ordinator	\$59,350	1	\$59,350		\$59,350	\$59,350		
4 HR Staff	\$39,300	1	\$39,300		\$39,300	\$39,300		
5 Secretary/Receptionist	\$36,000	1	\$36,000		\$36,000	\$36,000		
6 Financial support	\$51,000	1	\$51,000		\$51,000	\$51,000		
7 Evaluation (Footnote 1)	\$0			\$0	\$0	\$0	\$0	\$0
8 Audit	\$13,000			\$13,000	\$13,000	\$13,000		
9 Insurance	\$30,000			\$30,000	\$30,000	\$30,000		
10 Legal	\$40,000			\$40,000	\$40,000	\$40,000		
11 Admin overhead - 15% of Salaries and Benefits				\$174,661	\$174,661	\$39,398	\$110,986	\$24,278
12 Benefits - 20.45 % of Salaries			\$197,693		\$197,693	\$53,712	\$110,883	\$33,098
13 Ongoing training	\$2,000			\$36,000	\$36,000	\$10,000	\$20,000	\$6,000
Off-Hour emergency service - 5% of direct service delivery and supervisors			\$27,515		\$27,515		\$19,423	\$8,093
15 Supervisors	\$59,350	2	\$118,700		\$118,700		\$59,350	\$59,350
16 Support staff	\$36,150	2	\$72,300		\$72,300		\$36,150	\$36,150
Services Formula								
17 Foster care workers / permanency workers	\$53,950	2	\$107,900		\$107,900		\$107,900	
18 Foster care trainer / Recruit support / Placement resource	\$53,950	1	\$53,950		\$53,950		\$53,950	
19 Case managers (child intervention)	\$53,950	3	\$161,850		\$161,850		\$161,850	
20 Family enhancement workers	\$53,950	3	\$161,850		\$161,850			\$161,850
21 Service purchase @\$125/child				\$125,000	\$125,000		\$62,500	\$62,500
22 Travel for service staff	\$10,000			\$120,000	\$120,000	\$10,000	\$80,000	\$30,000
23 Remoteness adjustment (fixed)				\$36,800	\$36,800			\$36,800
Totals:		18	\$1,164,408	\$625,461	\$1,789,869	\$508,760	\$822,992	\$458,119

24 New Operations formula and Least Disruptive Measures/Prevention Funding \$1,789,871
25 Revised 2008-2009 Agency Operations Funding incorporating Budget 2005 8.24% Adjustment \$1,630,012
26 Incremental Adjustment (Line 24 less Line 25) **\$159,859**

	2007-2008 Operations Formula with 8.24% Budget		
	New Formula	2005 Adjustment	Adjustment
Agency Core and Protection	\$1,331,752	\$1,630,012	-\$298,260
Least Disruptive Measures / Prevention Funding	\$458,119		\$458,119

Previous Saskatchewan EPFA 1000 Model

Total number of children serviced by agency **1,000**
Children in care based on 6% **60**
Multiple problem families **67**
Number of Bands

Provincial Front Line Social Worker Average Salary (Oct. 1 2015) \$63,555
Provincial Social Worker Supervisor Average Salary (Oct. 1 2015) \$69,911
Provincial Support Worker Average Salary (Oct 1 2015) \$42,470

Administrative Formula	Basis of Calculations	# of Staff	Salary	Non-Salary	Totals	Fixed	Variable	
						Agency Core	Protection	Enhancement
1 Board of directors	\$50,000			\$50,000	\$50,000	\$50,000		
2 Director	\$89,606	1	\$89,606		\$89,606	\$89,606		
CFS Case Management / community resource co-ordinator	\$69,911	1	\$69,911		\$69,911	\$69,911		
4 HR Staff	\$45,685	1	\$45,685		\$45,685	\$45,685		
5 Secretary/Receptionist	\$42,470	1	\$42,470		\$42,470	\$42,470		
6 Financial support	\$57,775	1	\$57,775		\$57,775	\$57,775		
7 Evaluation (Footnote 1)	\$0			\$0	\$0	\$0	\$0	\$0
8 Audit	\$13,000			\$13,000	\$13,000	\$13,000		
9 Insurance	\$30,000			\$30,000	\$30,000	\$30,000		
10 Legal	\$40,000			\$40,000	\$40,000	\$40,000		
11 Admin overhead - 15% of Salaries and Benefits				\$204,997	\$204,997	\$45,817	\$130,580	\$28,600
12 Benefits - 20.45 % of Salaries			\$232,029		\$232,029	\$62,464	\$130,574	\$38,991
13 Ongoing training	\$2,000			\$36,000	\$36,000	\$10,000	\$20,000	\$6,000
Off-Hour emergency service - 5% of direct service delivery and supervisors			\$32,413		\$32,413		\$22,880	\$9,533
15 Supervisors	\$69,911	2	\$139,822		\$139,822		\$69,911	\$69,911
16 Support staff	\$42,470	2	\$84,940		\$84,940		\$42,470	\$42,470
Services Formula								
17 Foster care workers / permanency workers	\$63,555	2	\$127,110		\$127,110		\$127,110	
18 Foster care trainer / Recruit support / Placement resource	\$63,555	1	\$63,555		\$63,555		\$63,555	
19 Case managers (child intervention)	\$63,555	3	\$190,665		\$190,665		\$190,665	
20 Family enhancement workers	\$63,555	3	\$190,665		\$190,665			\$190,665
21 Service purchase @\$125/child				\$125,000	\$125,000		\$62,500	\$62,500
22 Travel for service staff	\$10,000			\$120,000	\$120,000	\$10,000	\$80,000	\$30,000
23 Remoteness adjustment (fixed)								
Totals:		18	\$1,366,646	\$618,997	\$1,985,643	\$566,728	\$940,245	\$478,670

New Formula

Agency Core and Protection
Least Disruptive Measures / Prevention Funding
Total

\$1,506,973
\$478,670
\$1,985,643

Budget 2016 Updated FNCFS Funding Formula Template - Saskatchewan

Total # of children serviced by agency 1,000
Children in care 60
Multiple problem families 67

Provincial Front Line Social Worker Average Salary (Oct. 1 2015) \$63,555
Provincial Social Worker Supervisor Average Salary (Oct. 1 2015) \$69,911
Provincial Support Worker Average Salary (Oct. 1 2015) \$42,470

Administrative Formula	Base Calculations	# of Staff	Salary	Non-Salary	Totals	Fixed		Variable	
						Agency Core	Protection	Enhancement	
1 Board of directors	\$50,000			\$50,000	\$50,000	\$50,000			
2 Director	\$89,606	1	\$89,606		\$89,606	\$89,606			
3 EPFA Manager/Community Co-ordinator	\$69,911	1	\$69,911		\$69,911			\$89,911	
4 HR Staff	\$45,865	1	\$45,865		\$45,865	\$45,865			
5 Secretary/Receptionist	\$42,470	1	\$42,470		\$42,470	\$42,470			
6 Finance Manager	\$57,775	1	\$57,775		\$57,775	\$57,775			
7 Financial Support Staff	\$42,470	1	\$42,470		\$42,470	\$42,470			
8 Evaluation				\$10,200	\$10,200	\$10,200			
9 Audit	\$15,000			\$15,000	\$15,000	\$15,000			
10 Insurance	\$30,000			\$30,000	\$30,000	\$30,000			
11 Legal	\$40,000			\$40,000	\$40,000	\$40,000			
12 Admin overhead - 15% of Salaries and Benefits				\$233,873	\$233,873	\$52,215	\$153,059	\$28,600	
13 Benefits - 20.45 % of Salaries			\$264,713		\$264,713	\$71,186	\$154,536	\$38,991	
14 Ongoing training	\$2,000			\$40,000	\$40,000	\$12,000	\$22,000	\$6,000	
Off-Hour emergency service - 10% of direct service delivery & supervisors			\$86,031		\$86,031		\$66,965	\$19,067	
16 Supervisors	\$69,911	2	\$139,822		\$139,822		\$69,911	\$69,911	
17 Service Support Workers	\$42,470	2	\$84,940		\$84,940		\$42,470	\$42,470	
Direct Services Formula									
18 Foster care workers / permanency workers	\$63,555	2	\$127,110		\$127,110		\$127,110		
19 Foster care trainer / Recruit support / Placement resource	\$63,555	1	\$63,555		\$63,555		\$63,555		
20 Case managers (child intervention)	\$63,555	3	\$190,665		\$190,665		\$190,665		
21 Intake/Investigation workers	\$63,555	1	\$63,555		\$63,555		\$63,555		
22 Enhanced Prevention workers	\$63,555	3	\$190,665		\$190,665			\$190,665	
23 Service purchase @ \$175/child				\$175,000	\$175,000		\$87,500	\$87,500	
24 Travel for service staff	\$11,500			\$172,500	\$172,500	\$11,500	\$126,500	\$34,500	
25 Remoteness adjustment (fixed and varies by agency)									
Totals:		20	\$1,559,153	\$766,573	\$2,325,726	\$570,287	\$1,167,826	\$587,615	

Total Funding - Operations \$1,738,113.00
Total Funding - Prevention \$587,615
Total INAC Funding \$2,325,728.00

SASKATCHEWAN COSTING METHODOLOGY

The calculations are based upon the following assumptions:

Line Item	Description
Number of children served by agency	The 0-18 registered First Nations children on reserve count (source: IRS updated as of December 31, 2014).
Number of children in care	Maintained a CIC average count of 6% for each agency, unless 13/14 IMS Actual CIC count was above the 6% threshold.
Number of multiple problem families	Discussed during tripartite meetings and decided a fair number is 3 children per family. The calculation is taking the 0-18 child pop, dividing by 3 and then taking 20% of the total. It is understood that many families on reserve have more than 3 children; however, if the number were any higher, it would drive the total down.
1 Board of Directors	Board expenditures are not to exceed \$50000 per year. Additional funding can be provided to address remoteness and/or multi-site agencies.
2 Agency Director (or Executive Director)	Salaries based on provincial comparability. Currently every agency (small to large) is given one ED at the mid-range of the provincial salary scale for this position.
3 Enhanced Prevention Manager	Currently every agency (small to large) is given one Enhanced Prevention Manager.
4 HR Coordinator	Salaries based on provincial comparability. Currently every agency (small to large) is given one HR person at the mid-range of the provincial salary scale for this position.
5 Administrative Assistant/ Receptionist	Salaries based on provincial comparability. Currently every agency (small to large) is given one Admin Assistant at the mid-range of the provincial salary scale for this position.
6 Financial Manager	Most medium to large agencies require a Financial Manager and financial support workers. 1 Financial Manager per agency.
7 Financial Support Staff	Added this line to provide direct financial support to non-service employees. 1 additional Financial Support for every 100 CIC.
12 Administrative overhead	Calculated using 15% of the total salaries and benefits of the organization. This is intended to be used for rent (mortgage payments) / IT / supplies / heat/hydro/janitorial services/ telephone etc.... The national (and GoC average is 10%); however, 15% is used to take into account the IT needs that would not be included in government accommodation costs.
13 Benefits	Calculated using the GoC 20.45% of total salaries. This was based on an AANDC program decision to maintain consistency across the country.
14 Ongoing training	Calculated at \$2000 per employee depending on the jurisdiction (this is supposed to include the travel associated with the training). Tripartite roles and responsibilities have been developed to have Provincial Casework Practice and IT training provided to First Nations Agency staff by the province at no direct cost, however, in practice, this has not always taken place. Further bilateral work with provinces is necessary to mitigate.
15 Off hour/emergency service	Calculated at 10% of total costs for direct delivery staff (social workers and support workers) and supervisors.
16 Supervisors	1 supervisor for every 6 direct service delivery staff (this includes social workers and service support workers).
17 Support Staff	1 support staff for every 6 direct service delivery staff (this includes social workers and supervisors).
18 Foster Care Workers	There are various names for the types of social workers and each jurisdiction's formula lists their respective workers (i.e. foster care worker, case managers, family enhancement workers etc.). The salaries are based on the mid-range of the provincial salary scale and the number of social workers is based on a provincial caseload ratio that ranges from 1:20 to 1:30 (on average).
19 Foster Care Trainer/Recruit Support/Placement Resources	1 per agency.
21 Intake/Investigation	These are additional social workers required to support caseloads that are not children in care. The calculation for the number of staff uses the multiple problem families count at a 1:40 ratio.
22 Enhanced Prevention Staff	Ratio of 1:20 problem families.
23 Service Purchase	Calculated at \$175 per child.
24 Travel	Calculated at \$11,500 per direct service worker annually (including the support workers), supervisors and agency ED. In some cases, a remoteness amount is included in the travel cost. This is done on a recipient by recipient bases.
25 Remoteness	This is done on a recipient by recipient bases.

Adjustment for Size	
Child Population (0-18)	Core adjustment for Scale
100 or less	12.50%
150	18.75%
200	25.00%
250	31.25%
300	37.50%
350	43.75%
400	50.00%
450	56.25%
500	62.50%
550	68.75%
600	75.00%
650	81.25%
700	87.50%
750	93.75%
800+	1.00%

Notes

Where current provincial salary grids were not available for the purpose of this costing exercise, 2% compounded annually from the EPFA implementation date, was added to each salary total. These numbers will be validated prior to any further implementation

Yukon

INAC has a funding arrangement in place with the Yukon Government to provide child and family services to all First Nation children and families living in the Territory, as opposed to “ordinarily resident on reserve” as there are no reserves in the Territory. There are no FNCFS agencies in Yukon.

New Investments

While Budget 2016 investments represent a concrete first step in improving outcomes for First Nation children and families, much-needed program reforms remain an urgent priority and will be developed in full partnership with First Nations.

As part of INAC’s immediate relief investment, approximately \$0.9 million will be provided in Year 1 to the Yukon Territorial Government (currently the only service provider). Approximately \$0.5M will be available in Q1 2016-17.

By Year 4, Yukon will be receiving approximately \$2.3 million in new investments (funding is ongoing), for a 5 Year total investment of approximately \$8.7 million in additional Program funding¹.

These funds will be used for new and/or expanded prevention activities by the Government of Yukon to support prevention programs for First Nation children and families. INAC is also working with the Government of Yukon to engage with First Nations, community groups and other parties to develop a proposal based community prevention initiative to support prevention activities for First Nation families and children.

Costing Assumptions

The costing analysis used an updated EPFA funding formula to estimate the increased funding needs in the Territory. The model was updated to include comparable provincial salaries, provide funding for intake and investigation, and provide \$175 for service purchase for each 0-18 registered child in the population served.

¹ Subject to Parliamentary and Treasury Board approval.

Budget 2016 FNCFS Funding Formula Template - Yukon

AGENCY NAME: Yukon

Member First Nations and 0-18 Population 1000
Children in care(6%) 60
Multiple problem families (20%) 67

Provincial Front Line Social Worker II Average Salary (April 1, 2011 rates with 2% Annual Increase) \$81,072
Community Services Worker \$54,986
Provincial clinical program Supervisor top of scale (April 1, 2011 rates with 2% Annual Increase) \$91,913
Provincial Social assistance Worker top tier Salary (April 1, 2011 rates with 2% Annual Increase) \$55,710

	Base Calculations	# of Staff	Salary	Non-Salary	Totals	Fixed	Variable	
						Agency Core	Protection	Enhancement
Administrative Formula								
1 Board of directors	\$50,000			\$0	\$0	\$0		
2 Director	\$103,186	1	\$0		\$0	\$0		
3 EPFA Manager	\$81,072	1	\$81,072		\$81,072	\$81,072		
4 HR Staff	\$55,710	1	\$55,710		\$55,710	\$55,710		
5 Secretary/Receptionist	\$42,353	1	\$42,353		\$42,353	\$42,353		
6 Finance Manager	\$55,710	1	\$55,710		\$55,710	\$55,710		
7 Evaluation	\$10,200			\$10,200	\$10,200	\$10,200		
8 Audit	\$15,000			\$15,000	\$15,000	\$15,000		
9 Insurance	\$40,000			\$40,000	\$40,000	\$40,000		
10 Legal	\$40,000			\$40,000	\$40,000	\$40,000		
11 Admin overhead - 15% of Salaries and Benefits				\$229,103	\$229,103	\$35,227	\$169,132	\$24,744
12 Benefits - 20.45 % of Salaries			\$259,313		\$259,313	\$48,026	\$177,554	\$33,734
13 Ongoing training	\$2,000			\$36,000	\$36,000	\$10,000	\$20,000	\$6,000
Off-Hour emergency service - 10% of direct 14 service delivery & supervisors			\$86,556		\$86,556		\$70,061	\$16,496
15 Supervisors	\$91,913	2	\$183,826		\$183,826		\$133,692	\$50,134
16 Support Workers	\$55,710	2	\$111,420		\$111,420		\$111,420	
Direct Services Formula								
17 Intake/investigation workers	\$81,072	2	\$162,143		\$162,143		\$162,143	
18 Foster care trainer / Recruit Support	\$81,072	1	\$81,072		\$81,072		\$81,072	
19 Child Protection Workers	\$81,072	3	\$243,215		\$243,215		\$243,215	
20 Family Enhancement Worker (Prevention)	\$54,986	3	\$164,958		\$164,958			\$164,958
21 Service purchase @\$175/child				\$175,000	\$175,000		\$87,500	\$87,500
22 Travel for service staff	\$11,500			\$168,000	\$168,000	\$12,000	\$120,000	\$36,000
Totals:		18	\$1,527,350	\$713,303	\$2,240,653	\$445,298	\$1,375,789	\$419,566

Total Funding - Operations \$1,821,087.36
Total Funding - Prevention \$419,566
Total INAC Funding \$2,240,653.84

YUKON COSTING METHODOLOGY

The calculations are based upon the following assumptions:

Line Item	Description
Number of children served by agency	The 0-18 registered First Nations children on reserve count.
Number of children in care	Maintained a CIC average count of 6% for each agency, unless 13/14 IMS Actual CIC count was above the 6% threshold.
Number of multiple problem families	Discussed during tripartite meetings and decided a fair number is 3 children per family. The calculation is taking the 0-18 child pop, dividing by 3 and then taking 20% of the total. It is understood that many families on reserve have more than 3 children; however, if the number were any higher, it would drive the total down.
1 Board of Directors	No Board of Directors funding is provided as the territorial government provides FNCFS services.
2 Agency Director (or Executive Director)	As discussions on the roll-out and roles and responsibilities under the EPFA model have not yet occurred no funding has been provided for an agency director.
3 EPFA Manager/Community Co-ordinator	Currently one Enhanced Prevention Manager is accounted for.
4 HR Coordinator	Salaries based on provincial comparability. Currently every agency (small to large) is given one HR person at the mid-range of the provincial salary scale for this position.
5 Administrative Assistant/ Receptionist	Salaries based on provincial comparability. Currently every agency (small to large) is given one Admin Assistant at the mid-range of the provincial salary scale for this position.
6 Financial Manager	Most medium to large agencies require a Financial Manager and financial support workers. 1 Financial Manager per agency.
11 Administrative overhead	Calculated using 15% of the total salaries and benefits of the organization. This is intended to be used for rent (mortgage payments) / IT / supplies / heat/hydro/janitorial services/ telephone etc.... The national (and GoC average is 10%); however, 15% is used to take into account the IT needs that would not be included in government accommodation costs.
12 Benefits	Calculated using the GoC 20.45% of total salaries. This was based on an AANDC program decision to maintain consistency across the country.
13 Ongoing training	Calculated at \$2000 per employee depending on the jurisdiction (this is supposed to include the travel associated with the training). Tripartite roles and responsibilities have been developed to have Provincial Casework Practice and IT training provided to First Nations Agency staff by the province at no direct cost, however, in practice, this has not always taken place. Further bilateral work with provinces is necessary to mitigate.
14 Off hour/emergency service	Calculated at 10% of total costs for direct delivery staff (social workers and support workers) and supervisors. It was originally costed at 5%.
15 Supervisors	1 supervisor for every 6 direct service delivery staff (this includes social workers and service support workers).
16 Support Staff	Added to differentiate between admin support and service support. Calculated based on provincial staffing ratio of 1:6 direct service delivery staff. These service support staff are lower salaried employees such as case aids, drivers, not fully delegated social workers etc.
17 Intake	These are additional social workers required to support caseloads that are not children in care. The calculation for the number of staff uses the multiple problem families count at a 1-30 ratio.
18 Foster Care trainer/Recruit support	1 per agency.
19 Child Protection Worker	There are various names for the types of social workers and each jurisdiction's formula lists their respective workers (i.e. foster care worker, case managers, family enhancement workers etc....) The salaries are based on the mid-range of the provincial salary scale and the number of social workers is based on a provincial caseload ratio of 1:20 CIC.
20 Family Enhancement Worker	Ratio of 1:20 problem families.
21 Service Purchase	Calculated at \$175 per child.
22 Travel	Calculated at \$11,500 per direct service workers, supervisors and agency ED.

Notes:

Where current provincial salary grids were not available for the purpose of this costing exercise, 2% compounded annually from the EPFA implementation date, was added to each salary total. These numbers will be validated prior to any further implementation

Annex C

**First Nations Child and Family Services Program
Immediate Relief Breakdown**

Quebec	Year 1	Funding Increase Q1/Q2	Funding Increase Q3/Q4
Nation Huronne-Wendat Child and Family Services	\$ 456,252.00	\$ 268,383.00	\$ 187,869.00
Ristigouche Child and Family Services	\$ 388,932.68	\$ 228,784.00	\$ 160,148.68
Gesgapegiag Child and Family Services	\$ 112,240.73	\$ 66,024.00	\$ 46,216.73
Kahnawake Child and Family Services	\$ 1,498,313.40	\$ 881,361.00	\$ 616,952.40
Kitigan Zibi Amishnabeg Child and Family Services	\$ 448,126.80	\$ 263,604.00	\$ 184,522.80
Montagnais Du Lac St. Jean Child and Family Services	\$ 624,620.70	\$ 367,424.00	\$ 257,196.70
Attikamewk d'Opiticiwan Child and Family Services	\$ 602,595.00	\$ 354,468.00	\$ 248,127.00
Uashat/Maliotenam Child and Family Services	\$ 1,072,709.40	\$ 631,006.00	\$ 441,703.40
Natashquan Child and Family Services	\$ 333,014.18	\$ 195,891.00	\$ 137,123.18
Betsiamites Child and Family Services	\$ 722,146.80	\$ 424,792.00	\$ 297,354.80
Counsell Montagnais Essipit Child and Family Services	\$ 225,189.45	\$ 132,464.00	\$ 92,725.45
Conseil Montagnais De Shefferville Child and Family Services	\$ 372,598.35	\$ 372,598.35	\$ -
Conseil De La Nation Attikamek-Sipi Child and Family Services	\$ 444,145.20	\$ 261,262.00	\$ 182,883.20
Grand Conseil Wabanaki Child and Family Services	\$ 165,411.45	\$ 97,301.00	\$ 68,110.45
Regroupement Mamit Innuat Child and Family Services	\$ 150,230.55	\$ 88,371.00	\$ 61,859.55
CENTRE JEUNESSE DES LAURENTIDES	\$ 240,637.50	\$ 167,390.00	\$ 73,247.50
CENTRES JEUNESSE DE L'OUTAOUAIS	\$ 426,041.10	\$ 250,612.00	\$ 175,429.10
CENTRE JEUNESSE DE L'ABITIBI-TÉMISCAMINGUE	\$ 1,681,614.00	\$ 989,185.00	\$ 692,429.00
TOTAL	\$ 9,964,819.28	\$ 6,040,920.35	\$ 3,923,898.94

Alberta	Year 1	Funding Increase Q1/Q2	Funding Increase Q3/Q4
AKO	\$ 831,828.89	\$ 499,097.33	\$ 332,731.56
ATC	\$ 569,712.05	\$ 341,827.23	\$ 227,884.82
Bigstone	\$ 852,088.60	\$ 511,253.15	\$ 340,835.44
Blood Tribe	\$ 1,500,315.60	\$ 900,189.36	\$ 600,126.24
KCWS	\$ 2,417,259.86	\$ 1,450,355.92	\$ 966,903.95
KTC CFS	\$ 1,020,928.62	\$ 612,557.17	\$ 408,371.45
LRRCN	\$ 1,428,564.98	\$ 857,138.99	\$ 571,425.99
LSLIRC	\$ 572,916.86	\$ 343,750.12	\$ 229,166.75
MOTTCFS	\$ 731,357.47	\$ 438,814.48	\$ 292,542.99
NPTC	\$ 705,771.97	\$ 423,463.18	\$ 282,308.79
Piikani	\$ 570,432.05	\$ 342,259.23	\$ 228,172.82
Saddle Lake	\$ 1,125,976.13	\$ 675,585.68	\$ 450,390.45
Siksika	\$ 992,589.12	\$ 595,553.47	\$ 397,035.65
Stoney	\$ 1,882,671.60	\$ 1,129,602.96	\$ 753,068.64
TCCFS East	\$ 1,027,233.01	\$ 616,339.81	\$ 410,893.20
Tsuu T'ina	\$ 776,403.26	\$ 465,841.96	\$ 310,561.30
WCTC	\$ 674,688.07	\$ 404,812.84	\$ 269,875.23
TOTAL	\$ 17,680,738.15	\$ 10,608,442.89	\$ 7,072,295.26

Saskatchewan	Year 1	Funding Increase Q1/Q2	Funding Increase Q3/Q4
Agency Chiefs	\$ 403,576.20	\$ 244,591.64	\$ 158,984.56
Ahtahkakoop	\$ 222,480.20	\$ 113,597.05	\$ 108,883.15
Athabasca/Yuthe Dene	\$ 335,934.60	\$ 203,596.73	\$ 132,337.87
BTC	\$ 289,857.75	\$ 154,431.00	\$ 135,426.75
Kanaweyimik	\$ 323,913.00	\$ 196,310.00	\$ 127,602.09
La Ronge	\$ 549,685.20	\$ 333,142.55	\$ 216,542.65
Meadow Lake	\$ 641,725.20	\$ 388,925.00	\$ 252,800.84
Montreal Lake	\$ 176,932.20	\$ 107,231.64	\$ 69,700.56
Nechapanuk	\$ 338,169.00	\$ 204,950.91	\$ 133,218.09
Onion Lake	\$ 596,746.20	\$ 361,665.00	\$ 235,081.84
Peter Ballantyne	\$ 774,543.60	\$ 469,420.36	\$ 305,123.24
QCFS*	\$ 301,559.40	\$ 182,763.27	\$ 118,796.13
STC	\$ 498,874.80	\$ 302,348.36	\$ 196,526.44
Sturgeon Lake	\$ 206,930.55	\$ 104,172.73	\$ 102,757.82
Touchwood	\$ 574,428.00	\$ 348,138.18	\$ 226,289.82
Wahkotowin	\$ 262,275.15	\$ 137,714.86	\$ 124,560.29
YTC	\$ 973,054.80	\$ 589,730.18	\$ 383,324.62
TOTAL	\$ 7,470,686.40	\$ 4,442,729.45	\$ 3,027,956.76

British Columbia	Year 1	Funding Increase Q1/Q2	Funding Increase Q3/Q4
Namgis (C3 Delgation)	\$ 70,000.00	\$ 35,000.00	\$ 35,000.00
Haida Child and Family Services (C3 Delgation)	\$ 90,638.00	\$ 45,319.00	\$ 45,319.00
Desnigi Services (C3 Delgation)	\$ 165,163.00	\$ 82,581.50	\$ 82,581.50
Heiltsuko Kaxla Child and Family Services (C3 Delgation)	\$ 80,958.00	\$ 40,479.00	\$ 40,479.00
Carrier Sekani (C4 Delgation)	\$ 695,761.00	\$ 347,880.50	\$ 347,880.50
Ayas Men Men (C4 Delgation)	\$ 669,909.00	\$ 334,954.50	\$ 334,954.50
Gitksan (C4 Delgation)	\$ 340,803.00	\$ 170,401.50	\$ 170,401.50
Northwest Inter-Nation (C4 Delgation)	\$ 281,138.00	\$ 140,569.00	\$ 140,569.00
Nil\Tu, O (C4 Delgation)	\$ 346,909.00	\$ 173,454.50	\$ 173,454.50
Nezul Be Hunuyeh C&FS (C4 Delgation)	\$ 425,374.00	\$ 212,687.00	\$ 212,687.00
Fraser Valley (C6 Delgation)	\$ 680,427.00	\$ 340,213.50	\$ 340,213.50
Lalum'utul'smun'eem (C6 Delgation)	\$ 742,534.00	\$ 371,267.00	\$ 371,267.00
Knucwentwecw Society F&CS (C6 Delgation)	\$ 408,890.00	\$ 204,445.00	\$ 204,445.00
Nlha'7kapmx Child and Family Services (C6 Delgation)	\$ 385,804.00	\$ 192,902.00	\$ 192,902.00
Nuu-Chah Nulth Cokmmunity Human Services (C6 Delgation)	\$ 738,085.00	\$ 369,042.50	\$ 369,042.50
Scw'Ex'Mx Child and Family Services (C6 Delgation)	\$ 520,723.00	\$ 260,361.50	\$ 260,361.50
Kwumut Lelum Child and Family Services (C6 Delgation)	\$ 688,499.00	\$ 344,249.50	\$ 344,249.50
Secwepemc Child and Family Services (C6 Delgation)	\$ 772,166.00	\$ 386,083.00	\$ 386,083.00
Ktunaxa Kinbasket (C6 Delegation)	\$ 261,922.00	\$ 130,961.00	\$ 130,961.00
Spallumcheen/Splatsin? (Bylaw)	\$ 383,697.00	\$ 191,848.50	\$ 191,848.50
TOTAL	\$ 8,749,400.00	\$ 4,374,700.00	\$ 4,374,700.00

Note: As part of immediate relief funding in British Columbia, in addition to the new budget 2016 FNCFS funding allocation, the existing \$3.36M currently identified as Transition funding has also been used to develop an 'Interim methodology' for immediate relief. Engagement and subsequent funding methodology discussions will determine funding distribution over the remaining years.

Manitoba	Year 1	Funding Increase Q1/Q2	Funding Increase Q3/Q4
Awasis Agency	\$ 1,800,859.20	\$ 1,091,429.82	\$ 709,429.38
Cree Nation Child and Family Caring Agency	\$ 389,258.40	\$ 235,914.18	\$ 153,344.22
Island Lake Child and Family Services	\$ 547,650.60	\$ 331,909.45	\$ 215,741.15
Kinosao Sipi Minisowin Agency	\$ 404,184.00	\$ 244,960.00	\$ 159,224.00
Nisichawayasihk Cree Nation Wellness Centre	\$ 201,592.80	\$ 122,177.45	\$ 79,415.35
Opaskwayak Cree Nation CFS Agency	\$ 171,049.20	\$ 103,666.18	\$ 67,383.02
Nikan Awasisik Agency	\$ 267,084.00	\$ 161,869.09	\$ 105,214.91
Anishinaabe Child and Family Services	\$ 189,425.40	\$ 114,803.27	\$ 74,622.13
Dakota Ojibway Child and Family Services	\$ 730,906.20	\$ 442,973.45	\$ 287,932.75
Intertribal Child and Family Services	\$ 96,822.00	\$ 58,680.00	\$ 38,142.00
Peguis Child and Family Services	\$ 147,714.60	\$ 89,524.00	\$ 58,190.60
Sandy Bay First Nation Child and Family Services	\$ 185,497.20	\$ 112,422.55	\$ 73,074.65
Sagkeeng Child and Family Services	\$ 138,898.80	\$ 84,181.09	\$ 54,717.71
Southeast Child and Family Services	\$ 1,863,306.00	\$ 1,129,276.36	\$ 734,029.64
West Region Child and Family Services	\$ 360,499.20	\$ 218,484.36	\$ 142,014.84
TOTAL	\$ 7,494,747.60	\$ 4,542,271.27	\$ 2,952,476.33

Nova Scotia	Year 1	Funding Increase Q1/Q2	Funding Increase Q3/Q4
Mi'kmaw FCSNS	\$ 470,373.95	\$ 285,075.12	\$ 185,298.83
Totals	\$ 470,373.95	\$ 285,075.12	\$ 185,298.83

New Brunswick	Year 1	Funding Increase Q1/Q2	Funding Increase Q3/Q4
Elsipogtog First Nation	\$ 703,997.25	\$ 426,665.00	\$ 277,332.25
Esgenoopetitj Child & Family Services	\$ 272,220.00	\$ 164,981.82	\$ 107,238.18
Eel Ground Child & Family Services	\$ 115,420.00	\$ 69,951.52	\$ 45,468.48
Eel River Bar Child & Family Services	\$ 67,420.00	\$ 40,860.61	\$ 26,559.39
4-Directions Child & Family Services	\$ 145,420.00	\$ 88,133.33	\$ 57,286.67
Kingsclear Child & Family Services	\$ 174,800.00	\$ 105,939.39	\$ 68,860.61
Oromocto Child & Family Services	\$ 98,800.00	\$ 59,878.79	\$ 38,921.21
St. Mary's Child & Family Services	\$ 250,800.00	\$ 152,000.00	\$ 98,800.00
Woodstock Child & Family Services	\$ 50,800.00	\$ 30,787.88	\$ 20,012.12
Province of New Brunswick (Tobique 3rd Party)	\$ 374,800.00	\$ 227,151.52	\$ 147,648.48
Totals	\$ 2,254,477.25	\$ 1,366,349.86	\$ 888,127.39

Prince Edward Island	Year 1	Funding Increase Q1/Q2	Funding Increase Q3/Q4
MCPEI	\$ 165,233.64	\$ 92,408.76	\$ 72,824.88
Totals	\$ 165,233.64	\$ 92,408.76	\$ 72,824.88

Newfoundland and Labrador	Year 1	Funding Increase Q1/Q2	Funding Increase Q3/Q4
Miawpukek Mi'Kamawey Mawi'omi	\$ 95,358.98	\$ 57,793.32	\$ 37,565.66
Government of Newfoundland (Innu Communities)	\$ 964,773.60	\$ 584,711.27	\$ 380,062.33
Totals	\$ 1,060,132.58	\$ 642,504.60	\$ 417,627.99

Yukon	Year 1	Funding Increase Q1/Q2	Funding Increase Q3/Q4
Government of Yukon	\$ 924,696.70	\$ 544,301.03	\$ 380,395.67
Totals	\$ 924,696.70	\$ 544,301.03	\$ 380,395.67

Ontario	Year 1	Funding Increase Q1/Q2	Funding Increase Q3/Q4
Ministry of Community and Social Services	\$ 5,833,524.32	\$ 3,535,469.29	\$ 2,298,055.04
Mohawk Council of Akwesasne - QC Side (EPFA)	\$ 2,208,304.80	\$ 1,338,366.55	\$ 869,938.25
Totals	\$ 8,041,829.12	\$ 4,873,835.83	\$ 3,167,993.29

Grand Total	\$ 64,277,134.68	\$ 37,813,539.17	\$ 26,463,595.33
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CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and
ASSEMBLY OF FIRST NATIONS**

Complainants

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

ATTORNEY GENERAL OF CANADA
(representing the Minister of Indigenous and Northern Affairs Canada)

Respondent

- and -

**CHIEFS OF ONTARIO,
AMNESTY INTERNATIONAL CANADA and
NISHNAWBE ASKI NATION**

Interested Parties

**SUBMISSIONS IN RESPONSE TO CANADA'S MAY 10, 2016
AND MAY 24, 2016 COMPLIANCE REPORTS TO THE TRIBUNAL**

JUNE 8, 2016

Anne Levesque
David P. Taylor

Sébastien Grammond, Ad.E. University of Ottawa
Sarah Clarke, Clarke Child & Family Law

JURISTES POWER | POWER LAW
Suite 1103 – 130 Albert Street
Ottawa, ON K1P 5G4

Counsel for the First Nations Child and Family Caring Society of Canada

Human rights legislation is intended to give rise, amongst other things, to individual rights of vital importance, rights capable of enforcement, in the final analysis, in a court of law. [...] We should not search for ways and means to minimize those rights and to enfeeble their proper impact.¹

1. In its January 26, 2016 decision, the Canadian Human Rights Tribunal (the “Tribunal”) found that Canada has been knowingly discriminating against 163,000 First Nations children for nearly two decades. This finding of discrimination comes on the heels of Prime Minister Harper’s 2008 apology for the wrongs Canada committed toward First Nations, Métis, and Inuit children who attended residential schools over the course of a century, demonstrating a long and tragic history of federal government conduct toward First Nations children and their families.² This finding of discrimination also comes on the heels of Prime Minister Trudeau’s 2015 acceptance of the Final Report of the Truth and Reconciliation Commission (“TRC”) and commitment to accept fully the federal government’s responsibilities and failings by implementing all 94 of the TRC’s Calls to Action, including equity and reform in child welfare and implementation of Jordan’s Principle.
2. The discrimination identified by the Tribunal is widespread, ongoing and systemic. It affects one of the most vulnerable groups in society – children.
3. Since the Tribunal’s decision was rendered, Canada has repeatedly asked to be left to its own devices, saying that it is working to improve its FNCFS Program and that it is open to “discussing” issues related to its long history of discrimination against children. When pressed regarding the lack of sufficiency of the immediate relief measures contained in Budget 2016, Canada relies on an alleged and unsubstantiated need for all FNCFS Agencies to recruit staff and expand prevention programming.³ Put simply, in its May 10, 2016 and May 16, 2016 compliance reports to the Tribunal, Canada failed to demonstrate that it has taken the immediate steps necessary to demonstrate that the child welfare services received by First Nations children living on-reserve are even remotely formally equivalent to those received by all other children in Canada.⁴
4. Systemic discrimination cannot be remedied with good intentions, vague promises, or a piece-meal approach to compliance with the Tribunal’s orders. Likewise, the Tribunal’s April 26, 2016 reporting order did not call for general updates from Canada regarding policy changes in the FNCFS Program or Canada’s general intentions to “discuss” a variety of subjects.
5. Canada has been ordered to demonstrate that it is complying with the Tribunal’s legally binding decision and ought to show that it has immediately taken all of the necessary steps to begin

¹ *CN v Canada (Canadian Human Rights Commission)*, [1987] 1 SCR 1114 at 1134.

² Canadian Human Rights Commission Book of Documents, Vol 3, Tab 10, the Rt. Hon. Stephen Harper on behalf of the Government of Canada: Statement of Apology to former students of Indian Residential Schools, June 11, 2008.

³ Canada’s April 6, 2016 submissions regarding remedy at para 5.

⁴ As stressed in its submissions of February 18, 2016 and March 31, 2016, the Caring Society requests that immediate relief be ordered by the Tribunal in order to lessen the impact of Canada’s discriminatory child welfare services on First Nations children. These remedies aim to reduce the funding gaps identified by the Tribunal in its decision and make Canada’s FNCFS Program more comparable to services available to other children. However, the Caring Society reiterates that these immediate remedies will not ensure formal or substantive equality for First Nations children in the context of child welfare services.

addressing the findings of discrimination made by the Tribunal. Canada's compliance reports must satisfy the Tribunal that this is the case. Short of that, Canada is engaging in unlawful discriminatory conduct toward children and further orders must be issued so that Canada's unlawful conduct ceases immediately.

6. In light of Canada's ongoing failure to demonstrate that it has taken all of the immediate steps necessary to reduce the funding gaps identified in its FNCFS Program and fully and properly implement Jordan's Principle, the Tribunal ought to make specific and immediate orders against Canada to lessen the impact of the discriminatory services it provides to First Nations children and their families until medium- and long-term remedies can be achieved. Change for children cannot wait five years, as Canada proposes to do in Budget 2016, particularly as Canada has provided no answer as to what children and families are supposed to do in the meantime.

7. Canada's compliance reports are insufficient to displace the Tribunal's observation in its April 26, 2016 ruling that "it is still unclear why or how some of the findings above cannot or have not been addressed within the three months since the *Decision*. Instead of being immediate relief, some of these items may now become mid-term relief."⁵ By the time of the June 23, 2016 case conference, nearly five months will have passed since the Tribunal's January 26, 2016 decision. The Caring Society reiterates its requests that orders of immediate relief be made in precise terms.⁶

I. The onus on Canada at the compliance report stage

8. This complaint has reached the remedies stage. As the Tribunal noted in its May 5, 2016 decision regarding the Nishnawbe Aski Nation's motion for Interested Party status:

The hearing of the merits of the complaint is completed and any further evidence on those issues is now closed. The Panel's role at this stage of the proceedings is to craft an order that addresses the particular circumstances of the case and the findings already made in the *Decision*. The Tribunal's remedial clarification and implementation process is not to be confused with a commission of inquiry or a forum for consultation with any and all interested parties.⁷

9. This stage of the complaint rests on the findings already made by the Tribunal that Canada's approach to providing child and family services to First Nations children living on-reserve and failure to properly implement Jordan's Principle is discriminatory, contrary to section 5 of the *Canadian Human Rights Act*. At this stage of the complaint, given the historic failure of Canada to redress grave discrimination in the FNCFS Program despite multiple clear warnings of the reality on the ground, the process must presume that the breach continues.

10. The Tribunal's substantiation of the complaint relieves the complainants from any ongoing burden to prove discrimination. To hold otherwise would amount to retrying a case that has already been proven. The onus is squarely on Canada to prove that it is sufficiently addressing the discrimination in its implementation of Jordan's Principle and its FNCFS Program.

⁵ *FNCFCSC et al v AGC*, 2016 CHRT 10 at para. 21.

⁶ See Caring Society submissions to the CHRT dated February 18, 2016.

⁷ *FNCFCSC et al v AGC*, 2016 CHRT 11 at para 14.

11. Canada's responsibility to prove it is remedying past discrimination is consistent with the Supreme Court of Canada's approach to systemic remedies in the human rights system, first laid out in *CN v Canada (Canadian Human Rights Commission)* in the context of employment equity:

When confronted with such a case of "systemic discrimination", it may be that the type of order issued by the Tribunal is the only means by which the purpose of the *Canadian Human Rights Act* can be met. In any program [to address systemic discrimination], there cannot be a radical dissociation of "remedy" and "prevention". Indeed there is no prevention without some form of remedy.⁸

12. Chief Justice Dickson, speaking for the Court, went on to highlight three hallmarks of a successful remedial scheme for addressing systemic discrimination:

- a. The remedy will counter the cumulative effects of systemic discrimination, rendering further discrimination pointless (such that prescriptive standards ensure that equality prevails in the face of any residual discriminatory intent);
- b. The remedy will address the attitudinal problem of stereotyping (such that it becomes more difficult to ascribe characteristics to individuals by reference to the stereotypical characteristics ascribed to all members of that individual's group); and
- c. The remedy will increase the chances for self-correction in the system.⁹

13. Above all else, as Chief Justice Dickson held, "it is readily apparent that, in attempting to combat systemic discrimination, it is essential to look to the past patterns of discrimination and to destroy those patterns in order to prevent the same type of discrimination in the future."¹⁰

II. Canada's May 24, 2016 compliance report is not responsive to the Tribunal's April 26, 2016 order

14. In its April 26, 2016 order, the Tribunal required Canada to report its progress in redressing the following 11 specific findings from its January 26, 2016 decision on the merits of the Complaint:

- a. Directive 20-1 has a number of shortcomings and creates incentives to remove children from their homes and communities (para 384);
- b. Directive 20-1 makes assumptions based on population thresholds and children in care to fund the operations budgets of FNCFS Agencies (para 384);
- c. Whereas operations budgets are fixed, maintenance budgets for taking children into care are reimbursable at cost (para 384);
- d. For small agencies, the population thresholds of Directive 20-1 significantly reduce their operations budgets, affecting their ability to provide effective programming, to respond to emergencies, and for some, put them in jeopardy of closing (para 384);

⁸ *CN v Canada (Canadian Human Rights Commission)*, [1987] 1 SCR 1114 at 1141-1142.

⁹ *CN v Canada (Canadian Human Rights Commission)*, [1987] 1 SCR 1114 at 1144.

¹⁰ *CN v Canada (Canadian Human Rights Commission)*, [1987] 1 SCR 1114 at 1145.

- e. Directive 20-1 has not been significantly updated since the mid-1990's resulting in underfunding for FNCFS Agencies and inequities for First Nations children and families on reserves and in the Yukon (para 385);
- f. Directive 20-1 is not in line with current provincial child welfare legislation and standards promoting prevention and least disruptive measures for children and families. As a result, many First Nations children and their families are denied an equitable opportunity to remain with their families or to be reunited in a timely manner (para 385);
- g. AANDC incorporated some of the same shortcomings of Directive 20-1 into the EPFA, such as the assumptions about children in care and population levels, along with the fixed streams of funding for operations and prevention (para 386);
- h. EPFA has not been consistently updated in an effort to keep it current with the child welfare legislation and practices of the applicable provinces and once EPFA is implemented, no adjustments to funding for inflation/cost of living or for changing service standards are applied to help address increased costs over time and to ensure that prevention-based investments more closely match the full continuum of child welfare services provided off reserve (para 387);
- i. The FNCFS Program funding authorities are not based on provincial/territorial legislation or service standards (para 388); and

Given that the current funding structure for the FNCFS Program is not adapted to provincial/territorial legislation and standards, it often creates funding deficiencies for such items as salaries and benefits, training, cost of living, legal costs, insurance premiums, travel, remoteness, multiple offices, capital infrastructure, culturally appropriate programs and services, band representatives, and least disruptive measures (para 389).

15. Canada's May 24, 2016 compliance report leaves a number of questions open with regard to the actual progress being made to redress each of the 11 findings noted above. Indeed, Canada's responses in "Part 2" of its May 24, 2016 compliance report to certain of the Caring Society's submissions suggests that Canada refuses to begin addressing a number of the 11 findings on which the Tribunal ordered it "immediately take measures to address".¹¹

16. Of particular concern is the fact that Annex B to Canada's May 26, 2016 compliance report notes that a number of funding levels will be provided "at full implementation", and the "new investments" identified at paragraph 6(a) (upward adjustment for FNCFS Agencies with over 6% of children in care), paragraph 6(f) (increased investments to service purchase per child), and paragraph 6(g) (additional funding for intake and investigation services), are identified as being provided "over the next five years".¹²

¹¹ *FNCFCSC et al v AGC*, 2016 CHRT 10 at para 23.

¹² Canada's May 24, 2016 Compliance Report at paras 6(a), 6(f), and 6(g) and at Annex B at pp 2, 13, 20, 23, 33, and 38.

17. It is unclear when exactly “full implementation” will be reached or when “over the next five years” these measures will come into effect. To the extent any amount identified as “immediate relief” is not implemented in the 2016/2017 fiscal year, it cannot be interpreted as immediate relief.

A. Directive 20-1 has a number of shortcomings and creates incentives to remove children from their homes and communities (para 384)

18. In its January 26, 2016 decision, the Tribunal found that “[INAC’s] funding formulas provide an incentive to remove children from their homes as a first resort rather than a last resort. For some FNCFS Agencies, especially those under Directive 20-1, their level of funding makes it difficult if not impossible to provide prevention and least disruptive measures.”¹³

19. The true measure of the impact of Canada’s immediate relief measures is the extent to which the incentive to remove First Nations children from their homes has been reduced. Indeed, the Tribunal’s January 26, 2016 and April 26, 2016 orders were not directed at the name of a program, but at that program’s discriminatory effect on First Nations children living on-reserve. Parties found responsible for discrimination should not be allowed to shield themselves from taking action to remedy discrimination by declaring discriminatory program extinct or by renaming the discriminatory program or approach. Canada’s compliance report is bereft of assurances that the perverse incentives identified in the Tribunal’s January 26, 2016 decision will be reduced.

20. In its report, Canada states that it is investing over \$17.5 million in funding prevention services and programs in British Columbia, New Brunswick, the Yukon and Newfoundland and Labrador. While Canada submits that this approach ensures that “FNCFS service providers will have access to funding for prevention programs and services”, it fails to show whether or how this funding is sufficient to close the funding gap identified in its own documents.

21. By way of example, in 2012, one of Canada’s documents (the *Way Forward* presentation) identified that \$38 million (in 2012 dollar value) was needed for British Columbia, the Yukon, Ontario, New Brunswick, and Newfoundland and Labrador to move towards the flawed version of EPFA, which did not correct deficiencies identified by INAC in “Option 2” of the same document.¹⁴ Yet, Canada has allocated only \$17.67 million (in 2016 dollar value) in additional funding to service providers in these five jurisdictions this year. This is a mere 47% of the least generous option identified in 2012.

22. While New Brunswick will receive roughly the amount identified in “Option 1” and Ontario will receive more than the amount identified in “Option 1”, the other three jurisdictions will receive far less (British Columbia: less than 26% of the “Option 1” amount; Yukon: less than 46% of the “Option 1” amount; and Newfoundland and Labrador: less than 50% of the “Option 1” amount).

23. In the particular context of British Columbia, what Canada claims to be its immediate relief to First Nations children still allows for a funding gap of over \$15.7 million this year, assessed

¹³ *FNCFCSC et al v AGC*, 2016 CHRT 2 at para 344.

¹⁴ Canadian Human Rights Commission Book of Documents, Volume 12, Tab 248, AANDC Presentation to Françoise Ducros – The Way Forward (August 29, 2012). We note that this amount does not fix flaws in EPFA such as lack of investigation and legal funding for children in care nor does it account for the historical disadvantage and greater needs of children and families.

against the least generous standard in the *Way Forward* presentation. According to Annex B, by “Year 4”, Canada will only allocate \$13.4 million to British Columbia, \$7.6 million less than, or one third short of, the amount noted in “Option 1” of the *Way Forward* presentation. Canada also provides no indication as to when the \$21 million value identified in “Option 1”, as deficient as it is, would be achieved. Thus, Canada’s proposed immediate relief perpetuates discrimination against the 17,274 First Nations children living on-reserve in British Columbia.

24. Canada provides no explanation for this discrepancy, nor does it present any compelling argument or assurance that this action, which falls far short of that which was called for in 2012, will address the incentives that existed in Directive 20-1 and that favour the removal of First Nations children from their families. Bridging the gap with dollars that can be applied to services for First Nations children in need is something that this government can do immediately.

B. Directive 20-1 makes assumptions based on population thresholds and children in care to fund the operations budgets of FNCFS Agencies (para 384)

25. With regard to Directive 20-1, the Caring Society is encouraged by Canada’s costing documents in Annex B, which note that the 6% assumption was displaced in costing models for British Columbia, New Brunswick, the Yukon, and Newfoundland and Labrador where the children in care count for either 2013/14 or 2014/15 was above the 6% threshold.¹⁵

26. However, the Caring Society notes with concern that there appears to be no upwards adjustments for agencies serving above 20% of families in need.

27. Unlike the submission for Alberta and Quebec,¹⁶ where Canada specifically notes the number of FNCFS Agencies receiving additional funding “so that funding could be provided based [on] actual children in care counts”, there is no specific reference to the number of FNCFS Agencies receiving additional funding to reflect actual children in care counts in the information Canada provides regarding Directive 20-1 jurisdictions.

28. With specific regard for Newfoundland and Labrador, Annex B of Canada’s May 24, 2016 compliance report notes that \$1.3 million in additional funding will be provided “at full implementation”.¹⁷ It is unclear whether “full implementation” includes funds provided in fiscal year 2016-2017.

C. Whereas operations budgets are fixed, maintenance budgets for taking children into care are reimbursable at cost (para 384)

29. As addressed below, there is no indication that the funding increases Canada proposes will lead to operations budgets approximating actual costs, while maintenance budgets for taking children into care will continue to be reimbursable at cost.

¹⁵ Canada’s May 24, 2016 Compliance Report at Annex B at pp 12 (British Columbia), 19 (New Brunswick), 22 (Newfoundland and Labrador), and 45 (Yukon).

¹⁶ Canada’s May 24, 2016 Compliance Report at Annex B at pp 2 (Alberta), 33 (Quebec)

¹⁷ Canada’s May 24, 2016 Compliance Report at Annex B at p 20.

D. For small agencies, the population thresholds of Directive 20-1 significantly reduce their operations budgets, affecting their ability to provide effective programming, to respond to emergencies, and for some, put them in jeopardy of closing (para 384)

30. Canada refuses to engage on the issue of small agencies, stating that “future approaches to funding small agencies will be part of the longer term engagement and work on reforming child and family services.”¹⁸

31. Further, Annex B to Canada’s May 24, 2016 compliance report indicates that “FNCFS Agencies with less than 800 children in care are still subject to scaling with respect to their Core Funding only.”¹⁹ The scaling matrices applied to core funding for FNCFS Agencies in British Columbia, Newfoundland and Labrador, Prince Edward Island, Quebec, and Saskatchewan are identified in Annex B.²⁰

32. With respect, this response is unacceptable in light of the Tribunal’s April 26, 2016 order that Canada “immediately take measures to address the items underlined [...] from the findings in the *Decision*.”²¹ Canada was not given the option of deferring the problems caused by population thresholds in Directive 20-1 Agencies. The Tribunal ought to make a further, more specific order requiring Canada to take direct action to preserve the ability of small agencies to provide effective programming and respond to emergencies.

E. Directive 20-1 has not been significantly updated since the mid-1990’s resulting in underfunding for FNCFS Agencies and inequities for First Nations children and families on reserves and in the Yukon (para 385)

33. Recalling that Directive 20-1 provides the least amount of funding of all four INAC funding approaches (Directive 20-1, EPFA, the 1965 Agreement in Ontario and various funding arrangements with provinces/territories and non-Aboriginal service providers), the Caring Society expected to see the largest funding allocations to relieve discrimination being provided to Directive 20-1 regions (British Columbia, Newfoundland and Labrador, New Brunswick, and the Yukon). However, this does not appear to be the case.

34. As the Tribunal highlighted in its January 26, 2016 decision, “*Wen:De Report Two* estimate[d] the loss of funds due to inflation for the operations portion of Directive 20-1 from 1999 to 2005 to be \$112 million.”²² Canada’s immediate relief measures do not come close to restoring this gap, nor do they account for the compounded inflation losses accrued from 2006-2016, even taking into account updates made to jurisdictions that transitioned to EPFA.²³

¹⁸ Canada’s May 24, 2016 Compliance Report at para 23.

¹⁹ Canada’s May 24, 2016 Compliance Report at Annex B at pp 6-7.

²⁰ Canada’s May 24, 2016 Compliance Report at Annex B at p 12 (British Columbia), 22 (Newfoundland and Labrador), 32 (Prince Edward Island), 37 (Quebec), and 42 (Saskatchewan)

²¹ *FNCFCSC et al v AGC*, 2016 CHRT 10 at para 23.

²² *FNCFCSC et al v AGC*, 2016 CHRT 2 at para 164.

²³ According to the Bank of Canada’s online inflation calculator, the change in the value of money related to inflation from 2006 to 2016 is 17.49%. See: <http://www.bankofcanada.ca/rates/related/inflation-calculator/>.

35. While the Caring Society welcomes the provision of an annual adjustment to address growth and future cost drivers,²⁴ it must be recognized that Canada fails to detail how much it is allocating for each “growth and future cost driver” factor, nor does it clearly detail how it arrived at corresponding allocations.

36. Moreover, not all of the future cost drivers identified are linked to inflation (for instance the ratio of children in care). Indeed, some of these cost drivers are linked to increased costs given the FNCFS Program’s legacy of discrimination (for instance, child maintenance costs) and still others are due to factors such as population growth. In any event, the annual adjustment for growth and future cost drivers does nothing to address the delays caused by the systemic disadvantage perpetuated by a lack of inflation adjustments over the last two decades.

F. Directive 20-1 is not in line with current provincial child welfare legislation and standards promoting prevention and least disruptive measures for children and families. As a result, many First Nations children and their families are denied an equitable opportunity to remain with their families or to be reunited in a timely manner (para 385)

37. In its January 26, 2016 decision, the Tribunal found that:

[t]here is a focus on service levels and the needs of children and families off reserve, namely an emphasis on least disruptive/intrusive measures. On the other hand, under the federal FNCFS Program, there is a focus on funding levels and the application of funding formulas, where funds for prevention/least disruptive measures are fixed and funds to bring a child into care are covered at cost.²⁵

38. Canada’s May 24, 2016 compliance report touts an “investment” of \$17.5 million in funding for prevention services and programs in British Columbia, New Brunswick, the Yukon, Newfoundland and Labrador, and Ontario as immediate relief.²⁶ However, Canada does not demonstrate how this investment was calculated or how it meets the test of relieving discrimination against children and families to a level where child removals are no longer incentivized by the program. The focus appears to remain on funding levels and the application of funding formulas to service levels, and not on the needs of children and families.

39. As Canada’s submissions make clear, INAC will continue to reimburse all eligible maintenance expenditures.²⁷ By providing a fixed funding envelope for prevention services and programs in British Columbia, New Brunswick, the Yukon, Newfoundland and Labrador, and Ontario falls far short of the \$108.1 million measure (in 2012 dollar value) detailed in Canada’s 2012 *Way Forward* presentation, thousands of First Nations children will continue to be denied an equitable opportunity to remain with their families or to be reunited in a timely manner.

²⁴ Canada’s May 24, 2016 Compliance Report at para 7.

²⁵ *FNCFCSC et al v AGC*, 2016 CHRT 2 at para 341.

²⁶ Canada’s May 24, 2016 Compliance Report at para 10.

²⁷ Canada’s May 24, 2016 Compliance Report at para 22.

G. AANDC incorporated some of the same shortcomings of Directive 20-1 into the EPFA, such as the assumptions about children in care and population levels, along with the fixed streams of funding for operations and prevention (para 386)

40. With regard to the EPFA, the Caring Society is encouraged by Canada's costing documents in Annex B, which note that the 6% assumption was displaced for Alberta, Saskatchewan, Quebec, Nova Scotia, and Prince Edward Island, where the children in care count for either 2013/14 or 2014/15 was above the 6% threshold.²⁸

41. In the case of Manitoba's 7% threshold, where it appears a lump sum of \$5,000,000 was allocated to four agencies,²⁹ it is unclear the extent to which the actual percentage of children in care are being funded. Further, the amounts noted for population increases, staff salaries to ensure comparability, and the service purchase per child are noted as being provided "at full implementation."³⁰ It is unclear whether "full implementation" includes funds provided in fiscal year 2016-2017.

42. Much as was the case for Newfoundland and Labrador under Directive 20-1, Annex B of Canada's May 24, 2016 compliance report notes the amounts identified for Quebec and Saskatchewan FNCFS Agencies with over 6% children in care will be provided "at full implementation".³¹ It is unclear whether "full implementation" includes funds provided in fiscal year 2016-2017.

43. With regard to supplemental funding for intake and assessment investigation, Annex B to Canada's May 24, 2016 compliance report only notes funding levels for Alberta, Quebec, and Nova Scotia that will be provided "at full implementation."³² It is unclear whether this includes funds provided in fiscal year 2016-2017.

H. EPFA has not been consistently updated in an effort to keep it current with the child welfare legislation and practices of the applicable provinces. Once EPFA is implemented, no adjustments to funding for inflation/cost of living or for changing service standards are applied to help address increased costs over time and to ensure that prevention-based investments more closely match the full continuum of child welfare services provided off-reserve (para 387)

44. Canada notes that it has made some adjustments to staff salaries to approach comparability with provincial rates. However, there is a lack of detail as to which steps, if any, have been taken to ensure comparability of staff benefit packages to provincial rates. The Caring Society notes the adjustments to salaries made in Alberta, Nova Scotia, Prince Edward Island, and Quebec. However, no adjustments have been made to salaries in Manitoba for middle management, supervisors, support staff, resource/development coordinators, placement workers, foster care training and recruitment workers, case managers (child intervention), or family enhancement workers.³³

²⁸ Canada's May 24, 2016 Compliance Report at Annex B at pp 6 (Alberta), 26 (Nova Scotia), 32 (Prince Edward Island), 37 (Quebec), and 42 (Saskatchewan).

²⁹ Canada's May 24, 2016 Compliance Report at Annex B at p 13.

³⁰ Canada's May 24, 2016 Compliance Report at Annex B at p 13.

³¹ Canada's May 24, 2016 Compliance Report at Annex B at pp 33 (Quebec) and 38 (Saskatchewan).

³² Canada's May 24, 2016 Compliance Report at Annex B at p 2 (Alberta), 23 (Nova Scotia), and 33 (Quebec).

³³ Canada's May 24, 2016 Compliance Report at Annex B at pp 13-14.

45. Canada notes that it has made updates to the EPFA formula to reflect some changes in provincial standards (such as caseload ratios for social workers or other front line workers) and to provide some support intake and investigation services. However, as noted above, amounts to support intake and investigation will only be provided at “full implementation”, even though the vast majority of FNCFS Agencies are fully delegated and thus required by the provincial and territorial statutes to provide intake and investigation services now.

46. It is also important to recall that the vast majority of FNCFS Agencies have been providing intake and investigation services over their entire period of operation (many between 20-30 years) without any compensation from Canada.

47. Regarding the issue of caseload ratios, while the Alberta (1:20), Nova Scotia (1:15), Prince Edward Island (1:20), and Saskatchewan (1:20 to 1:30) costing information specifically notes that staffing ratios are based on provincial information,³⁴ this is not the case for Quebec (1:40),³⁵ and there is no caseload ratio specified for Manitoba.³⁶

48. Canada notes that it has made updates to service delivery standards in the EPFA formula. Canada states that it has increased the percentage used to calculate off-hour emergency services and that it has increased funding for staff travel. However, Canada fails to note how it arrived at these values and does not provide details regarding how it determined that these funding levels were sufficient for immediate relief.³⁷

49. It is also unclear why the off-hour emergency services percentage remains at 5% in Manitoba³⁸ and has been increased to only 7.5% in Alberta,³⁹ while it has been increased to 10% in Nova Scotia, Prince Edward Island, Quebec, and Saskatchewan.⁴⁰

50. With regard to travel, the amount of the increase is only 10% in Alberta,⁴¹ and 15% in Manitoba, Nova Scotia, Prince Edward Island, Quebec, and Saskatchewan.⁴²

51. Canada notes that it has increased funding for agency audits, insurance, and legal services.⁴³ The Caring Society welcomes the increases made to these items in some provinces, but notes that

³⁴ Canada's May 24, 2016 Compliance Report at Annex B at pp 6 (Alberta), 26 (Nova Scotia), 32 (Prince Edward Island), and 42 (Saskatchewan).

³⁵ Canada's May 24, 2016 Compliance Report at Annex B at p 37.

³⁶ Canada's May 24, 2016 Compliance Report at Annex B at p 16.

³⁷ Canada's May 24, 2016 Compliance Report at para 13(e).

³⁸ Canada's May 24, 2016 Compliance Report at Annex B at p 14.

³⁹ Canada's May 24, 2016 Compliance Report at Annex B at p 2.

⁴⁰ Canada's May 24, 2016 Compliance Report at Annex B at pp 23 (Nova Scotia), 20 (Prince Edward Island), 33 (Quebec), and 38 (Saskatchewan).

⁴¹ Canada's May 24, 2016 Compliance Report at Annex B at p 2.

⁴² Canada's May 24, 2016 Compliance Report at Annex B at pp 13 (Manitoba), 23 (Nova Scotia), 29 (Prince Edward Island), 33 (Quebec) and 38 (Saskatchewan).

⁴³ Canada's May 24, 2016 Compliance Report at Annex B at para 13(f).

no increases have been made to corporate legal services for Manitoba. Again, the data and calculations used to arrive at the amount of the adjustment to these items is absent.⁴⁴

I. The FNCFS Program funding authorities are not based on provincial/territorial legislation or service standards (para 388)

Given that the current funding structure for the FNCFS Program is not adapted to provincial/territorial legislation and standards, there are often funding deficiencies for such items as salaries and benefits, training, cost of living, legal costs, insurance premiums, travel, remoteness, multiple offices, capital infrastructure, culturally appropriate programs and services, band representatives, and least disruptive measures (para 389)

52. With regard to the Tribunal's highlighted findings in paragraphs 388 and 389 of its January 26, 2016 decision, Canada asserts that the most it can do is to address prevention services, salaries and benefits, training, growth and cost drivers, legal costs, insurance premiums, and travel.⁴⁵ As outlined above, the Caring Society acknowledges that Canada has made some progress, though much remains to be done to provide immediate relief.

53. The Caring Society does not understand why cost of living, remoteness, multiple offices, culturally appropriate programs and services, band representatives and least disruptive measures cannot also be addressed by Canada at this stage. Once again, Canada ignores the Tribunal's April 26, 2016 order to take immediate action, instead calling upon engagement with the provinces and the need for discussion in the course of long-term reform. As the context surrounding Jordan's Principle makes clear, Canada cannot shield itself from providing non-discriminatory services by invoking a need to have discussions with other governments. There are actions that Canada can take now to alleviate discrimination that fall entirely within its jurisdiction and do not depend on corresponding provincial action.

54. To the extent that provinces have set a higher standard than Canada, Canada can simply adopt, and adequately fund, the provincial standard. Indeed, the work done by Canada in Annex B, particularly regarding salaries and caseload ratios, is indicative that engagement and discussion with First Nations, front-line service agencies and provincial/territorial government is no obstacle to bringing a measure of alignment with provincial/territorial legislation and standards. Immediate relief flowing from the Tribunal's January 26, 2016 decision does not imply any need for provincial policies or standards to change.

55. Indeed, rather than claim an inability to take any action in these areas, Canada should simply complete the work it has already started with regard to salaries and caseload ratios by bringing its existing policies into line with those of the provinces/territories to provide immediate relief, with a more systemic update based on the true needs and circumstances of the various First Nations communities involved to follow during the medium- and long-term reform process.

⁴⁴ Canada's May 24, 2016 Compliance Report at Annex B at pp 13-14.

⁴⁵ Canada's May 24, 2016 Compliance Report at para 14.

III. General response regarding Canada's insufficient immediate investment to FNCFS Program funding

56. Canada reports that it intends to increase its projected funding to the FNCFS Program over the course of the next five years. While Canada claims that an additional \$71.1 million will be allocated in 2016-2017, only \$60.38 million of this amount will be provided to FNCFS Agencies, provinces, and non-Aboriginal service providers.⁴⁶ In other words, not all of the actual 'immediate investment' will be put towards lessening the impact of Canada's discriminatory on-reserve child welfare services. This is insufficient in addressing the funding gaps in a meaningful way, particularly recalling that Canada's own documents demonstrated that a minimum of \$108.1 million was required in 2012.⁴⁷ Additionally, there is no funding identified in Budget 2016 to respond to Jordan's Principle cases.

57. While Canada has provided the funding models that have generated its Budget 2016 figures, Canada has failed to provide the raw data upon which it has relied to calculate these funding increases, despite being ordered to do so by the Tribunal.⁴⁸ For example, Canada provides no data or calculations to support its figure of \$175 in the service purchase per child amount, no data legitimizing its figures for agency transportation, and no data or research supporting its plan to withhold full funding levels for five years, as planned in Budget 2016 (with over 50% of funding coming in the last two years), due to an alleged and unsubstantiated need for all FNCFS Agencies to recruit staff and expand prevention programming.⁴⁹

58. Indeed, Canada appears to suggest that its incremental approach to remedying discrimination against First Nations children living on-reserve (which provides funding allocations in increments that reserve over 50% of funding until the year of the next federal election and the year following) is legitimized because FNCFS Agencies are somehow not ready to receive non-discriminatory funding.

59. This assertion is troubling for at least three reasons. First, by making this assertion, Canada presumes, without any supporting data, that all of the First Nations Child and Family Service Agencies operating in Canada (many of which have been operating for at least 20-30 years) lack capacity to fully implement immediate relief measures. Second, Canada has afforded to itself a right to dictate the rate at which immediate reform takes place by setting out predetermined, fixed budget amounts without consultation with First Nations and FNCFS Agencies and has limited discussions to these pre-established amounts, as reflected by Canada's submissions to the Tribunal at the immediate relief stage. Third, Canada is trying to shield itself from ensuring non-discrimination by suggesting that those who are victimized by the discrimination are somehow responsible for the slow pace of change.

60. The Tribunal's January 26, 2016 decision highlights multiple instances of Canada's lack of capacity to take adequate measures to remedy known shortfalls in its FNCFS Program over many years. Despite this, Canada refuses to take immediate action on its own staff's training and capacity,

⁴⁶ Canada's May 24, 2016 compliance report at Annex C.

⁴⁷ Canadian Human Rights Commission Book of Documents, Volume 12, Tab 248, AANDC Presentation to Françoise Ducros – The Way Forward (August 29, 2012).

⁴⁸ *FNCFCSC et al v AGC*, 2016 CHRT 10 at para 23

⁴⁹ Canada's April 6, 2016 submission at para 4.

and is only willing to discuss such training with the complainants whilst it enforces a regime of ongoing incremental discrimination by presuming First Nations lack capacity.

61. Canada provides no details as to how it arrived at the financial projections for fiscal years 2017-2018 to 2020-2021, nor does it provide any assurances as to how secure funding is over the five-year cycle given that the next federal election will be held in fiscal year 2019-2020. Canada should again be ordered to produce these detailed data and supporting calculations.

62. Moreover, Canada's May 24, 2016 compliance report does not address whether its immediate investment will be sufficient to address the most egregious effects of the discrimination identified by the Tribunal in order to ensure that First Nations children receive, at the very least, child welfare services that are comparable to those available to other Canadians. Given that Canada has not shown that its current and projected investments will ensure comparability, even five years from now, the Caring Society submits that Canada must be ordered to immediately fund its FNCFS Program in accordance with the formulae and policy adjustments identified by the Caring Society, pending longer-term reform.⁵⁰

63. Canada inappropriately includes growth in maintenance costs and costs for INAC operations in its immediate relief proposals. Growth in maintenance costs are a predictable and regular cost to INAC, and are related to Canada's past failure to address its discriminatory provision of First Nations child and family services, which, as the Panel has observed, "incentivizes" children coming into care. Canada should not be able to shield itself from its obligations to provide immediate relief by re-casting maintenance costs and costs related to INAC operations for "outreach, engagement and effective allocation of funding to service providers" as immediate relief to children from its past history of discriminatory conduct.

64. Recalling Canada's pattern of expanding the range of items alleged to be covered under the operations formula in Directive 20-1 without increasing the amount of funding available for operations, Canada's change of wording in the preamble of a bulleted list of items covered by the \$71.1 million in Budget 2016 from "will include" in its April 6, 2016 compliance report (para 6) to "including but not limited to" in paragraph 6 of its May 24, 2016 compliance report is concerning. The Caring Society requests that Canada clarify that immediate relief funds shall be used strictly for the purposes listed in the submissions and that additional and non-discriminatory funding shall be allocated for costs not enumerated on the list.

65. The Caring Society also notes an addition error in Annex A regarding calculations for MOTTCFS under the Alberta region, which are also reflected in the regional total. According to Annex A, the total spending in the Alberta region goes from \$129.8 million in 2014-2015 to \$166.3 million in 2015-2016. This appears to be related to an error in the total for MOTTCFS which increases from \$6.6 million in 2014-2015 to \$42.8 million in 2015-2016. The \$42.8 million figure must be an error, as the individual cost items that INAC relies upon to arrive at that value only total \$5.8 million for 2015-2016, or a reduction of \$800,000 from the prior year. Correcting for the error in the MOTTCFS calculations means that the total for Alberta in 2015-2016 is \$166.3 million, representing a decrease of approximately \$500,000 from the prior year.

⁵⁰ Caring Society's February 18, 2016 submissions at Schedule A at para 6.

66. With particular regard to Canada's immediate relief actions concerning Ontario, the Caring Society supports the Chiefs of Ontario's submissions.

IV. The inadequacy of Canada's response to the Caring Society's immediate relief proposals

67. The Caring Society has a number of concerns regarding the adequacy of Canada's responses to the Caring Society's proposals for "practical, meaningful, and effective" measures of immediate relief.

68. In the interest of efficiency, concerns and further relief requested with regard to immediate relief already ordered have been compiled in a chart appended to this submission as **Appendix "A"**. Concerns regarding Canada's responses to the Caring Society's requested measures of immediate relief and further relief requested have been compiled in a chart appended to this submission as **Appendix "B"**.

V. Inadequacies in Canada's May 10, 2016 submissions on Jordan's Principle

69. Canada's May 10, 2016 report regarding Jordan's Principle is vague and do not ensure that First Nations children will no longer experience discrimination as a result of jurisdictional disputes.

70. Canada has failed to take the steps necessary to address the discrimination identified by the Tribunal related to jurisdictional disputes in the following ways:

- a) The Tribunal's April 26, 2016 order requires the federal government to ensure that "the government organization that is first contacted should pay for the service without the need for policy review or case conferencing before funding is provided"⁵¹. The preamble to Canada's May 10, 2016 submission acknowledges this requirement, but the balance of the submission includes no action on how this has been complied with. The Caring Society asks that Canada be required to provide details as to what action INAC has taken to comply with the "government of first contact" provision in the CHRT order.
- b) The Tribunal's April 26, 2016 order requires INAC to include all jurisdictional disputes in its application of Jordan's Principle. Canada's May 10, 2016 report simply says disputes within the federal government are now included, but does not specifically say the federal government is now applying Jordan's Principle to all jurisdictional disputes. The Caring Society asks that Canada be required to confirm that INAC is applying Jordan's Principle to all jurisdictional disputes.
- c) The Tribunal's April 26, 2016 order requires the federal government to apply Jordan's Principle to all children. Canada's May 10, 2016 report says the multiple disabilities and multiple service provider restriction will no longer be applied, but does not specifically confirm that Jordan's Principle will apply it to all children. The Caring Society asks that Canada be required to confirm that INAC is applying Jordan's Principle to all First Nations children.
- d) The Tribunal's January 26, 2016 order requires that First Nations children receive services without delay. Canada's May 10, 2016 report explains case conferencing will no longer be used, but does not specifically say the federal government will provide the service without

⁵¹ *FNCFCSC et al v AGC*, 2016 CHRT 10 at para 33.

delay. Rather, Canada's May 10, 2016 report says that cases will be "managed" in ways that result in "timely" receipt of services. The Caring Society asks that Canada be required to clarify what process will be followed to manage Jordan's Principle cases, how urgent cases will be addressed, and what accountability and transparency measures have been built into that process to ensure compliance with the CHRT's April 26, 2016 order and what "timely manner" means.

- e) Canada's May 10, 2016 report states that INAC has initiated discussions with the provinces/territories on Jordan's Principle but does not say how, or if, First Nations and First Nations child and family service agencies will be engaged in such discussions, nor what the nature of those discussions have been. The Caring Society asks that Canada be required to clarify how it will ensure that consultation with First Nations and First Nations agencies is part of the consultation process with the provinces/territories, and in other elements of the implementation of Jordan's Principle

71. In addition to this, in its decision, the Tribunal found First Nations children experienced discrimination as a result of jurisdictional disputes between and within governments because of Canada's restrictive definition of Jordan's Principle and the lack of coordination of social and health services on reserve,⁵² both of which contributed to denial or delays in services. As noted in *Hughes v Canada*, systemic discrimination occurs when many errors caused by more than one individual results in unintended adverse treatment of members of a protected group.⁵³ This appropriately describes Canada's poor, or in many cases non-existent, coordination between and within governments programs and levels of government, which causes First Nations children to experience discrimination as a result of jurisdictional disputes.

72. In light of this, the Caring Society submits that simply broadening the definition of Jordan's Principle will not ensure that First Nations children no longer experience discrimination as a result of jurisdictional disputes. Systemic remedies, such as those requested by the Caring Society, are necessary to remedy the discrimination. It is for this reason that the Caring Society reiterates its request for order requiring Canada to provide its staff and executive staff with mandatory training on Jordan's Principle.⁵⁴ It also reiterates the following request made in its closing submissions:

- a) Without delay, post and keep up-to-date information regarding its implementation of Jordan's Principle, including its definition of Jordan's Principle, assessment criteria and process, remediation and appeal mechanism;
- b) Without delay, and on an annual basis thereafter, post non-identifying data on the number of Jordan's Principle referrals made, the disposition of those cases and the time frame for disposition as well as the result of independent appeals; and
- c) Without delay, provide all First Nations and First Nations child and family agencies the names and contact information of the Jordan's Principle focal points in all regions and inform the First Nations and First Nations child and family agencies in question of any changes of such.⁵⁵

⁵² *FNCFCSC et al v AGC*, 2016 CHRT 10 para. 364

⁵³ *Hughes v. Elections Canada*, 2010 CHRT 4 at paras 64-69

⁵⁴ Caring Society's February 18, 2016 submission at Schedule A at para 3.

⁵⁵ Closing submissions of the Caring Society, August 29, 2014, page 213, paras 3-5.

VI. Canada's response to the immediate relief items sought by the Complainants is insufficient

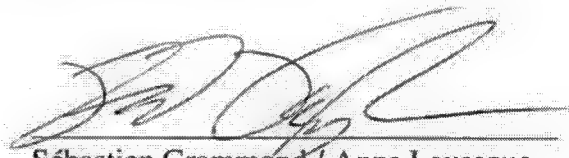
73. With regards to most of the issues raised by the Complainants, Canada merely states that it is 'open to discussions' or will "consider" certain proposals for reform. In other cases, Canada defers consideration due to alleged, and unsupported, assertions that progress is not possible without discussions with the provinces/territories.

74. Canada's attitudes or intentions regarding a proposed remedy are not relevant to determining whether it is in compliance with the Tribunal's orders. Openness to discussion is not immediate action and will not in itself begin putting an end to the discrimination experienced by First Nations children living on-reserve.

75. Indeed, the Tribunal noted in its January 26, 2016 decision that First Nations have made Canada aware of deficiencies in its program for many years and yet it has repeatedly failed to significantly modify its program.⁵⁶ Canada provides no assurance that the "discussions" it identifies in its most recent compliance report, or indeed the proposed national and regional tables, will result in Canada taking meaningful actions to remediate the discrimination. Canada has "discussed," "considered" and deferred action due to an alleged need for further discussions with provinces/territories for many years. It is time to fully and properly address the discrimination Canada has meted out to vulnerable First Nations children since Confederation.

76. It is important to contextualize the recognition of any initial efforts made by Canada, one of the wealthiest nations in the world, against the grave and long-standing harm its discriminatory conduct presents to First Nations children who are experiencing discrimination that has, and continues to, unnecessarily separate them from their families. Much as was the case during the hearing of the complaint, Canada has presented no evidence as to what hard choices it has made that provides any explanation or justification for its continuation of racial discrimination against children. Further and more precise orders are necessary as "Canada's statements and commitments [...] should not be allowed to remain empty rhetoric."⁵⁷

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 8th day of June, 2016.



Sébastien Grammond / Anne Levesque
Sarah Clarke / David P. Taylor

Counsel for the Caring Society

⁵⁶ *FNCFCSC et al v AGC*, 2016 CHRT 2 para 461.

⁵⁷ *FNCFCSC et al v AGC*, 2016 CHRT 2 at para 454.

APPENDIX A
PROGRESS REPORT ON RESPONDENTS COMPLIANCE WITH IMMEDIATE RELIEF ORDERS and IMMEDIATE RELIEF SOUGHT BY THE CARING SOCIETY
Respondent's Compliance with 2016 CHRT 2 and 2016 CHRT 10

CHRT ORDER CITATION	CHRT Order Wording	Respondent's Response	Caring Society Requests for Further Orders	Comments and supporting citations
Reconciliation and Consultation with the Complainants, First Nations and First Nations Child and Family Service Agencies 2016 CHRT 2 and 2016 CHRT 10 (para. 42)	...the Panel had hoped that the parties would have met a few times by now and discussed remedies. Each party has information and/or expertise that would assist those discussions and be of benefit in resolving this matter more expeditiously. While the Panel was required to issue its ruling, it continues to encourage the parties to meet and discuss the resolution of this matter.	Canada's May 10, 2016 compliance report states that INAC has initiated discussions with the provinces/territories on Jordan's Principle but does not say how, or if. First Nations and First Nations child and family service agencies will be engaged in such discussions, nor what the nature of those discussions have been.	The Caring Society asks that Canada be required to explain in detail how Canada will consult with the parties, First Nations and First Nations agencies regarding all matters regarding Jordan's Principle.	2016 CHRT 2 paras 380 and 480-481
2 Funding and other resources to implement Jordan's Principle 2016 CHRT 2 (para 481) and 2016 CHRT 10 (para 32-34)	The Panel's order specifically indicated that INAC was to ... "immediately implement the full meaning and scope of Jordan's Principle" (The Decision at para 481).	Canada's May 10, 2016 compliance report states that "Canada has committed to providing the necessary resources to implementing the Jordan's Principle." (p.2, para 4)	The Respondent be ordered to: i) identify the amount of funding identified to respond to Jordan's Principle cases; and ii) identify any criteria and processes related to accessing the funding.	2016 CHRT 2 paras 380, 381 and 481; 2016 CHRT 2 paras 32-34.
3 Inclusion of all jurisdictional disputes in Jordan's Principle 2016 CHRT 10	The Panel ordered INAC to immediately consider Jordan's Principle as including all jurisdictional disputes (this includes disputes between federal departments) and involving all First Nations children (not only those children with multiple disabilities). Pursuant to the purpose and intent of Jordan's Principle, the government organization that is first contacted should pay for the service without need for policy review or case conferencing before funding is provided.	In its May 10, 2016 compliance report, the Respondent notes that "Jordan's Principle must now include jurisdictional disputes between federal government departments and not just apply to disputes between federal and provincial governments." (p.2)	Canada's May 10, 2016 report simply says disputes within the federal government are now included, it does not specifically say the federal government is now applying Jordan's Principle to all jurisdictional disputes. The Caring Society asks that Canada be required to confirm that INAC is applying Jordan's Principle to all jurisdictional disputes.	2016 CHRT 2 para 481; 2016 CHRT 10 para 33.

CHRT ORDER CITATION	CHRT Order Wording	Respondent's Response	Caring Society Requests for Further Orders	Comments and supporting citations
4 Respondent's communication of compliance with orders regarding Jordan's Principle 2016 CHRT 10	INAC will report to the Panel within two weeks of this ruling to confirm this order has been implemented.	In its May 10, 2016 compliance report, the Respondent notes that "Health Canada and INAC have written jointly to the provinces and territories to initiate jurisdictional discussions related to Jordan's Principle". (p.2)	In its May 10, 2016 response (p.2), the Respondent confirms it has written to the provinces and territories but provides no evidence of communicating such reforms in detail and in writing to First Nations, FNCFS agencies, federal employees working in First Nations children's programs including Jordan's Principle focal points and to the public. The Caring Society requests that the Respondent be ordered to communicate such reforms in detail and in writing to First Nations, FNCFS agencies, federal employees working in First Nations children's programs including Jordan's Principle focal points and to the public within 10 business days of the order.	2016 CHRT 10 para. 34
5 Application of Jordan's Principle to all First Nations children 2016 CHRT 10	The Panel orders INAC to immediately consider Jordan's Principle as including all jurisdictional disputes (this includes disputes between federal departments) and involving all First Nations children (not only those children with multiple disabilities). Pursuant to the purpose and intent of Jordan's Principle, the government organization that is first contacted should pay for the service without need for policy review or case conferencing before funding is provided.	The Respondent's May 10, 2016 compliance report notes that "Canada has expanded Jordan's Principle by eliminating the requirement that the First Nations child on reserve must have multiple disabilities requiring multiple service providers." (p.2)	Canada's May 10, 2016 compliance report (p.2) only speaks to its commitment to no longer restrict Jordan's Principle cases to children with multiple disabilities and multiple service providers but falls short of confirming that the Respondent is now applying Jordan's Principle to all First Nations children as the order requires. The Caring Society asks that Canada be required to confirm that INAC is applying Jordan's Principle to all First Nations children.	2016 CHRT 2 paras 381-382; 2016 CHRT 10 para 33 and 34

CHRT ORDER CITATION	CHRT Order Wording	Respondent's Response	Caring Society Requests for Further Orders	Comments and supporting citations
<p>6 Government of first contact provision of Jordan's Principle 2016 CHRT 10 (paras 33 and 34)</p>	<p>Pursuant to the purpose and intent of Jordan's Principle, the government organization that is first contacted should pay for the service without the need for policy review or case conferencing before funding is provided.</p>	<p>In its May 10, 2016 compliance report, the Respondent cites the Panel ordered that the government of first contact should pay for the service but fails to acknowledge its acceptance of the government of first contact provision or detail any action it has taken to comply with the order in the balance of the submission.</p>	<p>The preamble to Canada's May 10, 2016 submission (p.1) acknowledges Jordan's Principle's must apply without the case conferencing requirement, but the balance of the submission includes no action on how this has been complied with. The Caring Society asks that Canada be required to provide specific details as to what action INAC has taken to comply with the "government of first contact" provision in the CHRT order.</p>	<p>2016 CHRT 2 paras. 351, 379, 481 and 2016 CHRT 10 para 32.</p>
<p>7 Respondent's management of Jordan's Principle cases 2016 CHRT 10 (para. 33)</p>	<p>Pursuant to the purpose and intent of Jordan's Principle, the government organization that is first contacted should pay for the service without the need for policy review or case conferencing before funding is provided.</p>	<p>In its May 10, 2016 compliance report, the Respondent notes that "Appropriate services for any Jordan's Principle case will not be delayed due to case conferencing or policy review. Further management of any such case will be done in a manner that will ensure the appropriate service or suite of services is being implemented in a timely manner." (p.2)</p>	<p>Canada suggests it will manage Jordan's cases in ways that result in children receiving services in a "timely" manner fails to ensure that its management of cases in a timely manner does not result in adverse differentiation or denials of service nor does it provide any details on the management process or what timely means. Caring Society requests and order that the Respondent be required to: i) describe the process it will use to "manage" Jordan's Principle cases in detail including special procedures to respond urgent cases and cases arising outside of business hours; ii) how the public can report Jordan's Principle cases and appeal decisions; iii) how the Respondent's process ensures non-discrimination and compliance with 2016 CHRT 2 and 2016 CHRT 10; iv) Details on the training of, and direction to, government staff to ensure Jordan's Principle cases are received, assessed, and addressed in accordance with 2016 CHRT 2 and 2016 CHRT 10; and be required to provide v) quarterly public reporting on numbers of</p>	<p>2016 CHRT 2 paras 352, 353, 366-375 and 379.</p>

CHRT ORDER CITATION	CHRT Order Wording	Respondent's Response	Caring Society Requests for Further Orders	Comments and supporting citations
8 <i>Comprehensive Report: Detailed information on compliance in the short term on every finding</i> 2016 CHRT 10 para. 23	INAC will provide a comprehensive report, which will include detailed information on every finding identified above and explain how they are being addressed in the short term to provide immediate relief to First Nations children on reserve. The report should also include information on budget allocations for each FNCS Agency and timelines for when those allocations will be rolled-out, including detailed calculations of the amounts received by each agency 2015-2016; the data relied upon to make those calculations; and the amounts each has or will receive in 2016-2017, along with a detailed calculation of any adjustments made as a result of immediate action taken to address the findings of the Decision.	The Respondent's submission of April 6, 2016 lays out budget allocations for 2016/2017 to 2020/21 and a series of bulleted expenses included in the 71.1 million for 2016. The Respondent does not provide the "detailed information" explaining how much was allocated to each expense, how these expenses were calculated nor does it identify the data relied upon to calculate the respective items. Moreover, at p. 2 the Respondent suggests maintenance growth and resources for INAC to do outreach etcetera are immediate relief.	Jordan's Principle cases received, processing outcomes and times and case results. The Respondent be ordered to provide the amounts allocated per item, the means by which these items were identified and relate to compliance with the Panel's rulings, the calculations used to arrive at given amounts and the data relied upon as part of the calculation. The Caring Society requests the Respondent be ordered to exclude growth in maintenance costs and costs related to INAC operations and personnel from immediate, medium and long term relief as these are regular program costs.	2016 CHRT 2 paras 384-389 2016 CHRT 10 para 20

CHRT ORDER CITATION	CHRT Order Wording	Respondent's Response	Caring Society Requests for Further Orders	Comments and supporting citations
<p>9 Comprehensive report: rational for incremental budget increases 2016 CHRT 10 para 23.</p> <p>2016 CHRT 2 para. 481</p>	<p>"INAC will then provide a comprehensive report, which will include detailed information on every finding identified above and explain how they are being addressed in the short term to provide immediate relief to First Nations children on reserve. The report should also include information on budget allocations for each FNCFS Agency and timelines for when those allocations will be rolled-out, including detailed calculations of the amounts received by each agency 2015-2016; the data relied upon to make those calculations; and the amounts each has or will receive in 2016-2017, along with a detailed calculation of any adjustments made as a result of immediate action taken to address the findings of the Decision." (emphasis added)</p> <p>"AANDC is ordered to cease its discriminatory practices and reform the FNCFS Program and 1965 Agreement to reflect the findings in the decision."</p>	<p>In its March 10, 2016 compliance report (p.4) the Respondent claims to have "undertaken costing analysis for proposed new investments through a comprehensive cost-driver study and trend analysis, based on the most current data available by jurisdiction. The updated amounts, currently under consideration, more accurately reflect the needs and requirements of the FNCFS Program and are still expected to be finalized and adjusted during tripartite discussions.</p> <p>In its submission of April 6, 2016 (p.1) the Respondent notes that: Specifically, the investments identified are: 71.1 million in 2016-2017; 98.6 million in 2017-2018; 126.3 million in 2018-2019; 162.0 million in 2019-2020; and 176.8 million in 2020-21, which is ongoing. These investments are intended to be rolled out incrementally to provide time for service providers to hire and train additional, qualified staff and to expand prevention programming.</p>	<p>The Respondent has provided no evidence or data to support its contention that an incremental investment is legitimized by its claims in the April 6, 2016 submissions nor does it explain why such an approach was imposed on all First Nations Child and Family Service Agencies regardless of years of experience, capacity and readiness. The Respondent also fails to provide a detailed report on how it calculated the amounts for each year and what data it relied upon for such calculations for fiscal years ranging from 2016-2021.</p> <p>The Caring Society requests INAC be ordered to cease its incremental approach to remedying the inequality based on unsupported assumptions of agency readiness or other considerations.</p>	

APPENDIX B

Caring Society requests for further orders related to the Respondent's compliance reports

Released under the Access to Information Act / Communiqué en vertu de la Loi sur l'accès à l'information				
Caring Society Immediate Relief Submission Citation	Caring Society Relief Requested	Respondent's compliance reports	Caring Society Request for Further Orders	Comments and Supporting Evidence from the Record
1 Providing a foundation for the provision of non-discriminatory First Nations child and family services that take full account of First Nations cultures and languages Caring Society Submissions on Immediate Relief dated February 18, 2016 at para 2 on p.6 Reinforced by Caring Society Submissions on Immediate Relief dated March 31, 2016 at para 16 (b) on p. 3.	On April 1, 2016, the Respondent must provide each FNCFS agency with an initial amount of \$75,000.00 to develop and/or update a culturally based vision for safe and healthy children and families and to begin to develop and/or update culturally based child and family service standards, programs and evaluation mechanisms;	The Respondent's May 24, 2016 compliance report state that "INAC recognizes the importance of culturally-based and community-supported First Nation child and family services and programming. The Department welcomes the opportunity to discuss this issue further as part of future reform options"	While the federal government recognizes the importance of "culturally-based and community-supported FNCFS programming" it provides no funding to make that possible. This will hamper First Nations child and family service providers in their provision of culturally based services and in their efforts to cost out culturally based services in the medium and long term relief stages. The federal government fails to provide an alternative strategy for ensuring culturally based equity. The Caring Society requests that the Respondent be ordered to provide each FNCFS Agency with an initial amount of \$75,000.00 for fiscal year 2016/2017 to develop and/or update a culturally based vision for safe and healthy children and families and to begin to develop and/or update culturally based child and family service standards, programs and evaluation mechanisms.	i) Importance of protection of culture (2016 CHRT 2, para 106), ii) Connection between culture and language (2016 CHRT 2, para 107), iii) INAC recognition of cultural programming rendered meaningless due to insufficient funding (2016 CHRT 2, para. 425)
2 Training for the Respondent to aid non-discriminatory provision of First Nations Child and Family Services Program Caring Society Submissions	Before August 31, 2016 and in a manner approved by the Canadian Human Rights Commission (hereinafter "the Commission") and the Complainants, the Respondent must ensure that its staff and executive staff receive 15 hours of mandatory training on the Truth and Reconciliation Commission's final report	The Respondent's May 24, 2016 compliance report state that "INAC looks forward to further discussions on improving the cultural sensitivity of its employees."	The Caring Society requests that the Respondent be ordered to: Before August 31, 2016 and in a manner approved by the Canadian Human Rights Commission (hereinafter "the Commission") and the Complainants, the Respondent must ensure that its staff and executive staff receive	

Caring Society Immediate Relief Submission Citation	Caring Society Relief Requested	Respondent's compliance reports	Caring Society Request for Further Orders	Comments and Supporting Evidence from the Record
<p>on Immediate Relief dated February 18, 2016 at para 3 on p.6</p> <p>Reinforced by Caring Society Submissions on Immediate Relief dated March 31, 2016 at paras 19-20 on p.4</p>	<p>(December, 2015); the FNCFS Program (including formula development, assumptions, and program reviews); the Tribunal decision on the merits, and on the full meaning and scope of Jordan's Principle as set out in the Tribunal's decision on the merits;</p>		<p>15 hours of mandatory training on the Truth and Reconciliation Commission's final report (December, 2015); the FNCFS Program (including formula development, assumptions, and program reviews); the Tribunal decision on the merits, and on the full meaning and scope of Jordan's Principle as set out in the Tribunal's decision on the merits and subsequent decisions</p>	
<p>Immediate relief for legal fees; receipt, assessment and investigation of child protection reports; and building repairs</p> <p>Caring Society Submissions on Immediate Relief dated February 18, 2016 at para 4. Referenced at Caring Society submissions on Immediate Relief at paras 36-37 (legal fees),</p>	<p>Beginning immediately and on an ongoing basis, unless supplanted by additional order by the Tribunal and/or by written agreement of the Parties, the Respondent must fully reimburse the following actual costs incurred by FNCFS agencies, without restrictions based on the existing funding formulas:</p> <p>a. legal fees related to child welfare investigations (i.e., warrants), children in care and inquiries, according to the tariff employed by the federal government for the remuneration of outside counsel, as updated from time to time;</p> <p>b. actual costs related to the receipt, assessment and investigation of child protection reports;</p> <p>c. costs of building repairs where a FNCFS agency has received from a licensed building inspector, structural engineer, fire marshal or equivalent First Nations authority a notice to the effect that repairs must be done to comply with applicable fire, safety and building codes and regulations or where there is other evidence of non-compliance with applicable fire, safety and building codes and regulations;</p>	<p>a. The Respondent's May 24, 2016 compliance report notes that legal fees are "an important topic for discussion as part of reform efforts"</p> <p>b. The Respondent's May 24, 2016 submissions state that "Budget 2016 investments will provide approximately \$45.0 million over the next five years in additional funding to support intake and investigation services, which include activities such as the receipt, assessment and investigation of child reports" (emphasis added)</p> <p>c. The Respondent's May 24, 2016 submissions states that "INAC will pursue discussions on the broader issues of infrastructure related to FNCFS as part of future long-term reform efforts"</p>	<p>1. The Caring Society requests that the Respondent be ordered to fully reimburse the following actual costs incurred by FNCFS agencies, without restrictions based on the existing funding formulas:</p> <p>a. legal fees related to child welfare investigations (i.e., warrants), children in care and inquiries, according to the tariff employed by the federal government for the remuneration of outside counsel, as updated from time to time;</p> <p>b. actual costs related to the receipt, assessment and investigation of child protection reports;</p> <p>c. costs of building repairs where a FNCFS agency has received from a licensed building inspector, structural engineer, fire marshal or equivalent First Nations authority a notice to the effect that repairs must be done to comply with applicable fire, safety and building codes and regulations or where there is other evidence of non-compliance with applicable fire, safety and building codes and regulations</p>	

Caring Society Immediate Relief Submission Citation	Caring Society Relief Requested	Respondent's compliance reports	Caring Society Request for Further Orders	Comments and Supporting Evidence from the Record
<p>4</p> <p>Cessation of recovery of maintenance cost over-runs from prevention or operations funding streams.</p> <p>Caring Society Submissions on Immediate Relief dated February 18, 2016 at para 5 on p.7</p>	<p>5. With respect to Directive 20-1 and the Enhanced Prevention Funding Approach ("EPFA") or any modifications thereof, the Respondent must cease the practice of requiring FNCFS Agencies to recover cost overruns related to increases in the number of children in care or the higher needs of children in care from the prevention and operations funding streams;</p>	<p>The Respondent's May 24, 2016 compliance report states that "Budget 2016 investments took into account cost drivers and growth considerations, including those impacting maintenance expenditures. It is providing \$159.0 million in additional funding over the next five years to address these issues. Should pressures exceed the allocated budget, additional resources would be secured through the above-mentioned process"</p>	<p>This year, only \$51,830,765.38 will be conferred to agencies. The Caring Society requests that the Respondent be ordered to cease the practice of requiring FNCFS agencies to recover cost overruns related to increases in the number of children in care or the higher needs of children in care from the prevention and operations funding streams</p>	
<p>5</p> <p>Funding Adjustments</p> <p>Caring Society Submissions on Immediate Relief dated February 18, 2016 at para 6 on p.7</p>	<p>The Respondent must immediately make the following adjustments in the calculation of the operation and prevention budgets of FNCFS agencies, with respect to provinces and territories covered by Directive 20-1 and those covered by EPFA:</p> <p>a. Replacing the formula mentioned at paragraph 126 of the Tribunal's decision on the merits with the following formula: "A fixed amount of \$444,601 per organization + \$15,427.57 per member band + \$1,046.75 per child (0-18 years) + \$13,298.73 x average remoteness factor + \$12,766.90 per member band x average remoteness factor + \$106.06 per child x average remoteness factor + actual costs of the per diem rates of foster homes, group homes and institutions established by the province or territory," and adjusting the base amounts in that formula according to the increase in the consumer price index for fiscal years 2016-17 and forward;</p> <p>b. Providing FNCFS agencies with an upward adjustment of their operations and prevention budgets where the percentage of children in</p>	<p>The Respondent's compliance report states that "The Budget 2016 investments provide increased funding to a range of existing and new budget items for Directive 20-1 and EPFA jurisdictions, including, but not limited to a. \$64.7 million upward adjustment for agencies with a child in care count above 6% over the next five years; b. increases for prevention-based services for all jurisdictions; c. upward adjustments to staff salaries to ensure comparability with current provincial rates; d. adjustments to case-worker ratios; e. additional funding for off-hour emergency services; f. increased investments to service purchase per child, providing approximately \$39.9 million over the next five years to all FNCFS service providers; and g. additional funding over the next five years of approximately \$45 million, for intake and investigation services, which were previously managed and administered by the provinces.</p>	<p>The Respondent has not shown whether or how these investments will be sufficient in complying with the request, why the investment will be conferred only incrementally or the data upon which these increases were calculated. The Caring Society requests that the Respondent be order to immediately make the adjustments in the calculation of the operation and prevention budgets of FNCFS agencies, with respect to provinces and territories covered by Directive 20-1 and those covered by EPFA.</p>	

Caring Society Immediate Relief Submission Citation	Caring Society Relief Requested	Respondent's compliance reports	Caring Society Request for Further Orders	Comments and Supporting Evidence from the Record
	<p>care and percentage of families receiving services from such an agency exceed 6% and 20%, respectively, for the population served by the agency concerned, in proportion to the excess of the percentage of children in care over 6% and of the percentage of families receiving services over 20%. No downward adjustments will be applied to FNCFCS agencies with fewer than 6% of children in care and/or serving fewer than 20% of families;</p> <p>c. Where a FNCFS agency serves a population of between 251 and 801 Registered Indian children, replacing the amount of \$444,601 in the formula by the amounts set out in Schedule "A" to this order, adjusted according to the increase in the consumer price index for fiscal years 2016-17 and forward;</p> <p>d. Funding all FNCFS agencies serving fewer than 251 Registered Indian children on reserve at the amount provided to agencies serving at least 251 Registered Indian children on reserve;</p> <p>e. Increasing the service purchase amount in Directive 20-1 and EPFA to \$200.00 per child from the current value of \$100.00 per child, with an adjustment according to the consumer price index for fiscal years 2016-17 and forward;</p> <p>f. Increasing funding to restore lost purchasing power in other items of the operations and prevention funding streams related to the Respondent's failure to provide a compounded</p>			

Caring Society Immediate Relief Submission Citation	Caring Society Relief Requested	Respondent's compliance reports	Caring Society Request for Further Orders	Comments and Supporting Evidence from the Record
	<p>annual inflation adjustment pursuant to the Consumer Price Index and by providing adjustments according to the increase in the consumer price index for fiscal years 2016- and forward; g. Not introducing any funding reductions or restrictions.</p>			
<p>6</p> <p>Updating of the Ontario funding agreement</p> <p>Caring Society Submissions on Immediate Relief dated February 18, 2016 at para 7 on p.8</p> <p>Reinforced by Caring Society Submissions on Immediate Relief dated March 31, 2016 at para 35 on p.4</p>	<p>The Respondent, must, with respect to Ontario, update the schedule of the 1965 agreement to reflect the current version of the <i>Child and Family Services Act</i> (Ontario) and ensure funding for the full range of statutory services including band representatives, children's mental health and prevention services.</p>	<p>The Respondent's May 24, 2016 compliance report states that "Canada will actively work with the Province of Ontario and stakeholders such as First Nations organizations, leadership, communities, agencies and front-line service providers to achieve the necessary reforms. A meeting was held between officials at INAC and the Ontario Ministry of Aboriginal Affairs to discuss issues, including child welfare in Ontario. Subsequently, on March 11, 2016, the Minister of INAC met with the Ontario Minister of Aboriginal Affairs to discuss key priority areas, including FNCFS in Ontario and the need to review the 1965 Agreement. These meetings have set the stage for further and more substantive discussions that will take place with First Nations, including the COO and other interested parties."</p>	<p>The Respondent has not shown that it has updated the 1965 Agreement. The Caring Society requests that the Respondent be ordered to update the schedule of the 1965 Agreement to reflect the current version of the <i>Child and Family Services Act</i> (Ontario) and ensure funding for the full range of statutory services including band representatives, children's mental health and prevention services.</p>	

Caring Society Immediate Relief Submission Citation	Caring Society Relief Requested	Respondent's compliance reports	Caring Society Request for Further Orders	Comments and Supporting Evidence from the Record
<p>Storage and management of public access to tapes of the proceedings</p> <p>Caring Society Submissions on Immediate Relief dated February 18, 2016 at para 8 on p.8</p>	<p>The Respondent must immediately provide \$30,000.00 to the Aboriginal Peoples Television Network to transfer the tapes of the Tribunal hearings onto a publicly accessible format and provide sufficient funds to the National Centre for Truth and Reconciliation to store and manage public access to the tapes.</p>	<p>The Respondent's May 24, 2016 compliance report states that "The Aboriginal Peoples Television Network was not a party to the complaint. As a non-party, the Tribunal should not grant it relief as part of the remedies. However, INAC is willing to further consider this undertaking".</p>	<p>The Caring Society requests that the Respondent be ordered to immediately provide \$30,000.00 to the Aboriginal Peoples Television Network to transfer the tapes of the Tribunal hearings onto a publicly accessible format and provide sufficient funds to the National Centre for Truth and Reconciliation to store and manage public access to the tapes.</p>	
<p>Reviewing of denials of funding</p> <p>Caring Society Submissions on Immediate Relief dated February 18, 2016 at para 9 on p.8</p> <p>Reinforced by Caring Society Submissions on Immediate Relief dated March 31, 2016 at para 16(f) on p.4</p>	<p>In partnership with affected First Nations and Tribal Councils, the Respondent must review decisions to deny funding to support the development and operation of FNCFS agencies particularly with regard to the applications for new agencies by the Okanagan Nation Alliance and Carcross First Nations.</p>	<p>The Respondent's May 24, 2016 compliance report states that "INAC believes this to be an important topic to be addressed through partner engagement on the FNCFS Program reform. Given the provincial/territorial legislative authority, this will require engagement and agreement with provincial and territorial governments, as well as First Nations partners."</p>	<p>The Caring Society requests that the Respondent be ordered to review decisions to deny funding to support the development and operation of FNCFS Agencies particularly with regard to the applications for new agencies by the Okanagan Nation Alliance and Carcross First Nations.</p>	
<p>Funding of Canadian Incidence Study of Reported Child Abuse and Neglect</p> <p>Caring Society Submissions on Immediate Relief dated February 18, 2016 at para 10 on p.8</p>	<p>The Respondent must fund a new iteration of the Canadian Incidence Study of Reported Child Abuse and Neglect</p>	<p>The Respondent's March 10, 2015 submissions state that "Canada support the new iteration of the Canadian Incidence Study and has already taken part in preliminary discussions with the Public Health Agency of Canada"</p>	<p>The Caring Society requests that the Respondent be ordered to immediately fund a new iteration of the Canadian Incidence Study of Reported Child Abuse and Neglect</p>	

Caring Society Immediate Relief Submission Citation	Caring Society Relief Requested	Respondent's compliance reports	Caring Society Request for Further Orders	Comments and Supporting Evidence from the Record
<p>40 Ceasing funding reallocations from other First Nations programs to cover shortfalls in FNCFS</p> <p>Caring Society Submissions on Immediate Relief dated February 18, 2016 at para 11 on p.8</p> <p>Reinforced by Caring Society Submissions on Immediate Relief dated March 31, 2016 at para 16(e) on p.4</p>	<p>The Respondent must seek new funding to meet the obligations set out in the Tribunal's decision on the merits, including, but not limited to, the obligations described in this consent order and obligations towards provincial and territorial governments directly serving First Nations children (which are not specified in this consent order), and cease its practice of reallocating funding from other First Nations programs to address shortfalls in First Nations child and family services, education, social assistance and other programs.</p>	<p>The Respondent's May 24, 2016 compliance report states that "Budget 2016 investments will contribute to a more stable and predictable funding environment within INAC, reducing the need for reallocations from other critical programs such as infrastructure and housing. Additionally, the amounts to address cost drivers and growth are anticipated to reflect greater alignment with provincial and territorial growth trends and costs going forward. Any commitment relating to funding for programs other than the FNCFS Program is beyond the scope of this complaint".</p>	<p>The Respondent has not shown that it has ceased this practice. The Caring Society requests that the Respondent be ordered to cease its practice of reallocating funding from other First Nations programs to address shortfalls in First Nations child and family services, education, social assistance and other programs.</p>	
<p>11</p> <p>No reductions in funding</p> <p>Caring Society Submissions on Immediate Relief dated February 18, 2016 at para 12 on p.8</p>	<p>The Respondent must not decrease or further restrict funding for First Nations child and family services or children's services covered by Jordan's Principle.</p>	<p>The Respondent's May 10, 2016 and May 24, 2016 compliance reports are silent on this issue.</p>	<p>The Caring Society requests that the Respondent be ordered not to decrease or further restrict funding for First Nations child and family services or children's services covered by Jordan's Principle.</p>	
<p>12</p> <p>Updating of policies and procedures</p> <p>Caring Society Submissions on Immediate Relief dated February 18, 2016 at para 14 on p.8</p>	<p>The Respondent must update its policies, procedures (including FNCFS agency reporting procedures) and contribution agreements to comply with the Tribunal's order and communicate such reforms in detail and in writing to First Nations, FNCFS agencies and the public.</p>	<p>The Respondent's May 10, 2016 and May 24, 2016 compliance reports are silent on this issue.</p>	<p>The Caring Society requests that the Respondent be ordered to update its policies, procedures (including FNCFS agency reporting procedures) and contribution agreements to comply with the Tribunal's order and communicate such reforms in detail and in writing to First Nations, FNCFS Agencies and the public.</p>	

Caring Society Immediate Relief Submission Citation	Caring Society Relief Requested	Respondent's compliance reports	Caring Society Request for Further Orders	Comments and Supporting Evidence from the Record
<p>Funding of prevention services on par with agencies in provinces</p> <p>Caring Society Submissions on Immediate Relief dated February 18, 2016 at para 15 on p.8</p>	<p>The Respondent must fund FNCFS Agencies in British Columbia, New Brunswick and Newfoundland and Labrador for the provision of prevention services on par with the funding received by such agencies in other provinces.</p>	<p>The Respondent's May 24, 2016 compliance reports state that "Under Budget 2016, the FNCFS Program will receive \$634.8 million in additional investments over the next five years. The investments are: \$71.1 million in 2016-17; \$98.6 million in 2017-18; \$126.3 million in 2018-19; \$162.0 million in 2019-20; and \$176.8 million in 2020-21."</p>	<p>The Respondent has not shown that these amounts will allow FNCFS Agencies to provide services on par with the funding received by such agencies in other provinces. The Caring Society requests that an order be issued to this effect.</p>	
<p>Adjustment for inflation</p> <p>Caring Society Submissions on Immediate Relief dated February 18, 2016 at para 16 on p.9</p> <p>Reinforced by Caring Society Submissions on Immediate Relief dated March 31, 2016 at para 16(h) on p.4</p>	<p>The Respondent must pay an amount of \$5,000,000.00, adjusted for the compound rate of inflation from 2012 values pursuant to the Consumer Price Index, to be divided among FNCFS agencies in Ontario in proportion to the population of First Nations children residing on reserve that they serve, in order to allow them to provide prevention services.</p>	<p>The Respondent's May 26, 2016 compliance report notes that "the investments in Budget 2016 include an annual adjustment to address future cost drivers and growth. The cost drivers that account for average yearly growth include: maintenance growth; agency operating costs, excluding salaries (e.g. rent, transportation, supplies and equipment); salaries; and increases in ratios of children in care."</p>	<p>This does not address inflation. The Caring Society requests that the Respondent be ordered to pay an amount of \$5,000,000.00, adjusted for the compound rate of inflation from 2012 values pursuant to the Consumer Price Index, to be divided among FNCFS agencies in Ontario in proportion to the population of First Nations children residing on reserve that they serve, in order to allow them to provide prevention services.</p>	
<p>Immediate nature of relief</p> <p>Caring Society Submissions on Immediate Relief dated February 18, 2016 at para 17 on p.9</p>	<p>This order will be effective until such time as the parties reach a further agreement or the Tribunal orders otherwise.</p>	<p>Many of the Respondent's 'investments' will not be made until Year 5. No explanation is provided as to why there is a 5 year delay in taking action.</p>	<p>The Caring Society requests that all of the above-noted relief be made immediately.</p>	

Caring Society Immediate Relief Submission Citation	Caring Society Relief Requested	Respondent's compliance reports	Caring Society Request for Further Orders	Comments and Supporting Evidence from the Record
<p>Released under the Access to Information Act / Communiqué en vertu de la Loi sur l'accès à l'information</p> <p>Reporting requirements by CHRT (2016 CHRT 10, para 23)</p>	<p>April 26 2016 Tribunal order. The Panel orders INAC to immediately take measures to address the items underlined above from the findings in the Decision. INAC will then provide a comprehensive report, which will include detailed information on every finding identified above and explain how they are being addressed in the short term to provide immediate relief to First Nations children on reserve. The report should also include information on budget allocations for each FNCFS Agency and timelines for when those allocations will be rolled-out, including detailed calculations of the amounts received by each agency in 2015-2016; the data relied upon to make those calculations; and, the amounts each has or will receive in 2016-2017, along with a detailed calculation of any adjustments made as a result of immediate action taken to address the findings in the Decision.</p>	<p>The Respondent has not provided the data relied upon to make its calculations.</p>	<p>The Caring Society requests that the Respondent be ordered to provide the data relied upon to make these calculations.</p>	

CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and
ASSEMBLY OF FIRST NATIONS**

Complainants

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

ATTORNEY GENERAL OF CANADA
(representing the Minister of Indigenous and Northern Affairs Canada)

Respondent

- and -

**CHIEFS OF ONTARIO and
AMNESTY INTERNATIONAL CANADA AND NISHNAWBE ASKI NATION**

Interested Parties

REPLY TO CANADA'S REPORT TO THE TRIBUNAL (DATED MAY 24, 2016)

Maggie Wenté
Olthuis Kleer Townshend LLP
250 University Avenue, 8th Floor
Toronto, ON M5H 3E5
416-981-9340 (t)
416-981-9350 (f)
mwente@oktlaw.com

Counsel for the Interested Party, Chiefs of Ontario

Introduction

1. The Tribunal ordered the Respondent to report to the Tribunal with respect to the Respondent's 2016 budget allocation for the FNCFS program as follows:

INAC will then provide a comprehensive report, which will include detailed information on every finding identified above and explain how they are being addressed in the short term to provide immediate relief to First Nations children on reserve. The report should also include information on budget allocations for each FNCFS Agency and timelines for when those allocations will be rolled-out, including detailed calculations of the amounts received by each agency in 2015-2016; the data relied upon to make those calculations; and, the amounts each has or will receive in 2016-2017, along with a detailed calculation of any adjustments made as a result of immediate action taken to address the findings in the Decision.¹

2. The Tribunal, in its April 26, 2016 order, stated that the Tribunal will make orders pertaining to the 1965 Agreement and immediate relief flowing from it after the decision on Nishnawbe-Aski Nation (NAN)'s application for Interested Party status, and after NAN's submissions on remedy.
3. The Respondent has to this point provided some information to the Tribunal and to the Interested Party Chiefs of Ontario about its plans for immediate relief for Ontario.
4. The information provided by the Respondent re Ontario does not provide sufficient information to comply with the Tribunal's order to provide detailed reporting on its immediate relief funding for Ontario. These submissions detail the particular ways in which the Respondent's report and its plans for immediate relief are deficient.

Information Provided by Respondent Regarding Planned Immediate Relief

5. In a May 9, 2016 letter to Regional Chief Day and to Ontario, the Respondent stated it would contribute \$5,830,000.00 in 2016-2017 for prevention services in Ontario and asked Ontario to consider supplying its corresponding share under the 1965 Agreement

¹ *First Nations Child and Family Caring Society et al., v. A-G (INAC)* 2016 CHRT 10 ("April 2016 decision"), at para 23

formula. In that letter, the Respondent proposed that there were a variety of allocation possibilities for this “immediate investment”, including general funding across all agencies, or specific funding to address particular gaps. The Regional Director General requested a meeting with both Regional Chief Day and with Ontario to “consider next steps” in the immediate investments.

6. The May 9, 2016 letter also stated that funding for Band Representatives “will be considered as part of the FNCFS reform process”.
7. In the Respondent’s May 24, 2016 submissions, the Respondent repeated the immediate relief funding commitment of \$8M and reported to the Tribunal that:
 - (a) INAC will actively work with Ontario and “stakeholders” such as First Nations agencies, organizations, to achieve necessary reforms.
 - (b) There had been meetings between INAC and the Government of Ontario to discuss the need to review the 1965 Agreement. The meetings had “set the stage for further and more substantive discussions”.
 - (c) The Band Representative program would be considered as part of the FNCFS program reform process.
 - (d) INAC is considering options for engagement on the reform of the 1965 Agreement.
8. In Annex “B” to the Respondent’s May 24, 2016 submissions, the Respondent stated that while the funding for prevention services for Akwesasne was calculated based on Quebec’s EPFA model, the Ontario portion of the immediate relief funding was calculated to “enable a more equitable allocation across all agencies as well as potential new prevention services”, with no further details. The Respondent also said that the immediate relief funding amounts to approximately \$1000.00 per First Nations child on reserve, and is based on the “current provincial investment” of two programs, Akwe:go and Wasa: Nabin, delivered by the Province of Ontario.
9. Finally, in the Respondent’s June 3 2016 submissions replying to NAN’s submissions on remedy made on June 3, 2016, the Respondent again repeated the immediate relief funding commitment of \$8.0M including Akwesasne and made assertions about matters that would be addressed in the national program reform process.

COO Response to Letter of May 9, 2016

10. COO is concerned about the wording of the letter from Indigenous and Northern Affairs Canada to Regional Chief Day and Ontario seeking Ontario's agreement to contribute the Ontario portion of immediate relief funding pursuant to the formula under the 1965 Agreement. COO submits that the immediate relief funding should be provided regardless of Ontario's concurrence in order to provide immediate relief to children in Ontario to prevent discrimination.
11. COO repeats its submissions and proposal made in its reply submissions to NAN dated June 3, 2016 regarding the need for a deadline for the distribution of immediate relief funding to Ontario. The Respondent's letter of May 9, 2016 demonstrates no commitment to distribute funding on any particular timeframe, proposes no method of distribution, and COO understands the invitation to a meeting to discussion "next steps" to be an invitation to discuss allocation and/or seek agreement among parties for the allocation of the immediate relief.
12. We advise COO has made requests for further information to the Respondents as a result of this letter as well as raising the concern that the immediate relief funding be distributed through the 1965 Agreement formula, and is in the process of arranging meetings to discuss the Respondent's planned immediate relief funding.
13. COO is not opposed to discussing methods of distribution of the immediate relief funding and agrees there is likely benefit to so doing, in order to address the acknowledged service gaps in some agencies, the patchwork pattern of mandate and funding, and to address remoteness factors. However, COO is not prepared to participate in an open-ended process without deadline. Therefore COO would like to see a deadline imposed after which the funding will flow, regardless of agreement, as stated in its June 3 2016 submissions to the Tribunal:
 - (a) There should be a deadline for agreement to be reached on the allocation of immediate relief funding for prevention. COO submits that the deadline should be no later than August 31, 2016;
 - (b) If no agreement is reached by the deadline, the allocation of the funding committed by the Respondent should be made on a per-population basis, with the

caveat that additional funding may be ordered to address remoteness and to ensure that services are provided equally throughout Ontario;

- (c) The funding should be released immediately after agreement of the parties or the passing of the deadline for agreement imposed by the Tribunal, whichever comes first;
- (d) The Tribunal shall remain seized of the order.
- (e) The Respondent should be required to report on the implementation of the order in a manner similar to that set out in the Tribunal's ruling of April 26, 2016.²

COO's Response to the Respondent's May 24, 2016 Submissions

- 14. COO notes that the Respondent has not provided the level of detail about the budget for immediate relief funding in Ontario as it has for other provinces. A gross dollar amount is not sufficient for COO to adequately respond to the information provided; disaggregated information on a per-agency basis would be more useful, as would population figures and all other data on which it based its funding decisions in accordance with the April 26, 2016 Decision.
- 15. The information provided by the Respondent does not satisfy the Tribunal's order about the level of detail required by the Tribunal's April 26, 2016 Decision.
- 16. COO is further concerned about the lack of specificity about how the Respondent determined the budget amount for immediate relief funding in Ontario. The Respondent says that the planned additional immediate relief funding amounts to approximately \$1000.00 per First Nation child, however provides no information about how it has made the calculation to support that assertion. The Respondent has not provided information about why this funding is a sufficient level of funding to address the Tribunal's findings.
- 17. The Respondent says the immediate relief funding for Ontario is based on "the current provincial investment" in two programs delivered by Friendship Centres in Ontario, Akwe: Go and Wasa-Nabin. It is unclear what the Respondent means by this statement or in what the funding amount is based on the current provincial spending on these programs. Missing from the Respondent's submissions is information about how the Respondent arrived at the determination that this was an appropriate amount, about why

² April 2016 Decision at para. 23.

the Respondent chose these particular programs as the relevant comparison program for how much prevention services cost, and what data informed this funding amount. COO poses the following questions as examples about how the determination was made:

- (a) Is the immediate relief funding amount merely the same amount as the province provides for those two provincial programs?
 - (b) Is the population of the potential recipients a factor that was taken into account when determining immediate relief funding (i.e., the off-reserve population versus the on-reserve population)?
 - (c) Does the calculation take into account any concerns of remoteness raised by NAN? Does it take into account the different levels of funding that each FNCFS agency already receives? What else does it take into account?
 - (d) Why is the cost of two off-reserve Friendship-Centre based youth programs relevant for cost comparison purposes?
18. Although the Respondent did not provide details of the programs on which it says it based its immediate relief funding for prevention services, according to the Government of Ontario's website, the two programs provide the following services in Friendship Centres:

Akwe:go and Wasa-Nabin promote healthy development in ways that respect cultural backgrounds and traditions. The programs are designed to meet the unique needs of each community. They provide:

- *a personalized plan of action for each child and youth*
- *teachings by elders, as well as other culturally relevant programs*
- *recreational and after-school programs, where youth can get peer support and help with homework*
- *health resources*
- *referrals to community resources and agencies*
- *public awareness and community outreach through events and local agencies*³

³ http://www.children.gov.on.ca/htdocs/English/topics/aboriginal/akwego_wasa-nabin.aspx, accessed June 6, 2016.

19. In contrast, in its January 2016 Decision, the Tribunal found the following activities are carried out under the category of prevention services:

Prevention services are divided into three main categories: primary, secondary and tertiary. Primary prevention services are aimed at the community as a whole. They include the ongoing promotion of public awareness and education on the healthy family and how to prevent or respond to child maltreatment. Secondary prevention services are triggered when concerns begin to arise and early intervention could help avoid a crisis. Tertiary prevention services target specific families when a crisis or risks to a child have been identified. As opposed to separating a child from his or her family, tertiary prevention services are designed to be “least disruptive measures” that try and mitigate the risks of separating a child from his or her family. Early interventions to provide family support can be quite successful in keeping children safely within their family environment, and provincial legislation requires that least disruptive measures be exhausted before a child is placed in care.⁴

20. COO submits that the programs on which the Respondent based its costing for immediate relief funding for prevention services are very different programs than prevention services that are provided by child welfare agencies. The Akwe:go and Wasa-Nabin programs are primary prevention services only. It is entirely unclear why these two off-reserve programs, however worthy, would be the basis on which to make a funding decision about prevention services for child welfare agencies serving on-reserve children. COO submits that the cost of prevention services already being provided in Ontario would be a more relevant starting point, or the cost of prevention services elsewhere in Canada provided by First Nations agencies.
21. COO further submits that the basis of immediate relief funding does not appear to account for the remoteness factors highlighted by NAN, nor does it account for the very different circumstances that the FNCFS agencies in Ontario find themselves in, even in relation to one another.

⁴ First Nations Child and Family Caring Society et al., v. A-G (INAC) 2016 CHRT 2 (“January 2016 Decision”) at para 116.

22. COO further notes that Canada has not committed any funding for the Band Representative program, despite this program being specifically mentioned by the Tribunal in the January 2016 Decision and again in the April 2016 Decision.
23. COO notes also that the Respondent has not committed to any immediate relief for mental health services in Ontario.

Jordan's Principle Reporting Letter

24. COO shares the concerns raised by the First Nations Child and Family Caring Society with respect to the reporting of the implementation of Jordan's Principle and asks also that further reporting on the questions posed by the FNCFCs be ordered.

Ongoing Reporting

25. COO submits that further reporting by the Respondent is required to comply with the Tribunal's April 2016 Decision, to comply with future orders regarding the 1965 Agreement, and to assess the sufficiency of the immediate relief funding already committed by the Respondent.

All of which is respectfully submitted this 8th day of June, 2016.



Maggie Wente

Olthuis Kleer Townshend LLP
250 University Avenue, 8th Floor
Toronto, ON M5H 3E5
416-981-9340 (t)
416-981-9350 (f)
mwente@oktlaw.com
Counsel for the Interested Party, Chiefs of Ontario

CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA
and ASSEMBLY OF FIRST NATIONS**

Complainants

and

CANADIAN HUMAN RIGHTS COMMISSION

Commission

**ATTORNEY GENERAL OF CANADA
(representing the Minister of Indian and Northern Affairs)**

Respondent

and

**CHIEFS OF ONTARIO and AMNESTY INTERNATIONAL CANADA
and NISHNAWBE ASKI NATION**

Interested Parties

**REPLY SUBMISSIONS ON REMEDY OF THE
CANADIAN HUMAN RIGHTS COMMISSION**

1. The present are the Commission's written representations in response to the Tribunal's request in its letter of June 14, 2016 for further submissions on the Chief of Ontario's and the Caring Society's most recent submissions.

2. There have been many submissions presented to the Tribunal at this time from all parties. Notwithstanding these numerous submissions, a number of questions still remain.

First Nations are more than Stakeholders

3. In its submissions of March 31 2016, the Chiefs of Ontario ("COO") take issue, at paragraph 12, with the Respondent's characterization of COO, First Nations, and leadership as "stakeholders" and mentioned this again in its submissions of May 24, 2016. The Commission submits that one of the identified flaws with the 1965 Ontario Agreement was that it did not include First Nations as a party; it was a bi-lateral agreement.
4. The Treasury Board of Canada Secretariat defines "Stakeholders" as "individuals, groups or organizations that have an interest or share in an undertaking or relationship and its outcome - they may be affected by it, impact or influence it, and in some way be accountable for it."¹
5. First Nations, their governments and members can be "stakeholders". However, In the matter of finding remedies for the identified long standing discriminatory practice, they must be partners. It is noteworthy that several examples of provincial Child welfare legislation filed into evidence provide for agreements with individual First Nations when providing Child welfare services on reserves.² Just like Provinces are not just "stakeholders", First Nations must be partners to ensure that the discriminatory practice ceases.
6. The Commission strongly supports the inclusion of all partners in the discussions in respect of remedying the ongoing discriminatory practice. In light of the

¹ http://www.tbs-sct.gc.ca/cioscripts/gloss/gloss-alpha_e.asp?SubjectID=128&who=/im-gi/#S

² See for example Exhibit HR-8, Tab 120, section 23(2) of the *Child and Family services Authorities Act*, C.C.S.M. c. C90; or Exhibit HR-7, Tab 98, section 61 of the *Child and Family Services Act*, Chapter C-7.2 of the Statutes of Saskatchewan, 1989-90 as amended by the Statutes of Saskatchewan, 1990-91, c.10 and c.C-8.1; 1992, c.21; 1994, c.27 and 35; 1996, c.1t; 1999, c.14; 2000, c.6; 2001, c.33; 2004, c.5 and 65; and 2006, c.19.

evidence adduced at the hearing in respect of the differences in the Federal funding when that funding is provided to provinces as opposed to First Nations agencies, First Nations ought to be considered full partners in the process to follow.


The party that possesses the information has the burden to provide it

7. A number of submissions by COO and the Caring Society outline a number of specific amounts provided by the Respondent, but underline that there is no information or data supporting the amounts being provided (for example, paragraphs 56 and following of the Caring Society's submission of June 8, 2016 and paragraph 17 of COO's Submissions of May 24, 2016).
8. The Commission submits the Complainants do not have to provide evidence. The party in possession of the information has the burden to provide it (see by analogy *Walden v Canada (Social Development)*, 2011 FCA 202 at paras 29 and 30). There is no evidence substantiating the sufficiency of the amounts being suggested by the Respondent or background analysis of the discriminatory practice. It is as though the Respondent was looking at remedying this long lasting discriminatory practice through funding lenses and not Human Rights lenses.

Jordan's Principle

9. The Commission supports the Caring Society's statement that simply broadening the definition of Jordan's Principle (at paragraph 72 of its June 8 submissions) is not sufficient if there is no evidence of an actual change of practice.

All of which is respectfully submitted this 24th day of June, 2016.


Daniel Poulin
Counsel
Canadian Human Rights Commission
344 Slater Street, 9th Floor
Ottawa, ON
K1A 1E1

Tel: (613) 947-6399
Fax: (613) 993-3089

Counsel for the Commission

TO: Canadian Human Rights Tribunal
160 Elgin Street
Ottawa, ON

AND TO: Jonathan Tarlton
Melissa Chan
Patricia MacPhee
Ainslie Harvey
Terry McCormick

Counsel for the Respondent
Attorney General of Canada

AND TO: David Taylor
Counsel for the Complainant
First Nations Child and Family Caring Society of Canada

AND TO: David C. Nahwegahbow
Stuart Wuttke
Counsel for the Complainant
Assembly of First Nations

AND TO: Maggie Wente
Counsel for the Interested Party
Chiefs of Ontario

**AND TO: Justin Safayeni
Counsel for the Interested Party
Amnesty International**

**AND TO: Julian Falconer
Akosua May Matthews
Counsel for the Interested Party
Nishnawbe Aski Nation**

CANADIAN HUMAN RIGHTS TRIBUNAL

B E T W E E N:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA
and the ASSEMBLY OF FIRST NATIONS**

Complainants

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

**ATTORNEY GENERAL OF CANADA
(representing the Minister of Indian and Northern Affairs)**

Respondent

- and -

CHIEFS OF ONTARIO and AMNESTY INTERNATIONAL CANADA and NISHNAWBE ASKI NATION

Interested Parties

**RESPONSE of the ASSEMBLY OF FIRST NATIONS to the
PANEL'S JUNE 14, 2016 RULING**

David C. Nahwegahbow, IPC, LSM
NAHWEGAHBOW, CORBIERE
5884 Rama Road, Suite 109
Rama, ON L3V 6H6
T: (705) 325-0520
F: (705) 325-7204
dndaystar@nncfirm.ca
**Co-Counsel for Complainant
Assembly of First Nations**

Stuart Wuttke
ASSEMBLY OF FIRST NATIONS
55 Metcalfe Street, Suite 1600
Ottawa, ON K1P 6L5
T: (613) 241-6789 Ext. 228
F: (613) 241-5808
swuttke@afn.ca
**Co-Counsel for Complainant
Assembly of First Nations**

TO: **CANADIAN HUMAN RIGHTS TRIBUNAL**
Attn: Dragiša Adzic, Registry Officer
160 Elgin Street, 11th Floor
Ottawa, ON K1A 1J4
Email: dragisa.adzic@tribunal.gc.ca

AND TO: **Jonathan Tarlton, Melissa Chan & Patricia MacPhee**
JUSTICE CANADA
Atlantic Regional Office
Suite 1400, Duke Tower
5251 Duke Street,
Halifax, NS B3J 1P3
Email: Jonathan.Tarlton@justice.gc.ca, melissa.chan@justice.gc.ca,
patricia.macphee@justice.gc.ca

Terry McCormick & Ainslie Harvey
JUSTICE CANADA
Aboriginal Law Section
Department of Justice BC Region
900-840 Howe Street
Vancouver, BC V6Z 2S9
Email: Terry.McCormick@justice.gc.ca, ainslie.harvey@justice.gc.ca

Counsel for the Respondent
The Attorney General of Canada

AND TO: **Anne Levesque, Sébastien Grammond,
David P. Taylor, & Sarah Clarke**
JURISTES POWER I POWER LAW
Suite 1103 – 130 Albert Street
Ottawa, ON K1P 5G4
Email: anne@equalitylaw.ca, sgrammon@uottawa.ca, dtaylor@juristespower.ca,
Sarah@ChildandFamilyLaw.ca

Counsel for the Complainant
First Nations Child and Family Caring Society of Canada

AND TO: **Daniel Poulin & Samar Musallam**
CANADIAN HUMAN RIGHTS COMMISSION
Canada Place
344 Slater Street, 8th Floor
Ottawa, ON K1A 1E1
Email: DANIEL.POULIN@chrc-ccdp.gc.ca, samar.musallam@chrc-ccdp.gc.ca

Counsel for the Canadian Human Rights Commission

AND TO: **Maggie Wente**
OLTHUIS, KLEER & TOWNSHEND LLP
250 University Ave, 8th Floor
Toronto, ON M5H 3E5
Email: MWente@oktlaw.com

Counsel for the Interested Party
Chiefs of Ontario

AND TO: **Justin Safayeni**
STOCKWOODS LLP BARRISTERS
TD North Tower
77 King Street West, Suite 4130
P.O. Box 140
Toronto-Dominion Centre
Toronto, ON M5K 1H1
Email: justins@stockwoods.ca

Counsel for the Interested Party
Amnesty International

AND TO: **Julian N. Falconer**
Akosua Matthews
Anthony Morgan
FALCONERS LLP
Barristers-at-law
10 Alcorn Ave., Suite 204
Toronto, ON M4V 3A9
Email: julianf@falconers.ca, akosuam@falconers.ca, anthonym@falconers.ca

Counsel for the Interested Party
Nishnawbe Aski Nation

Introduction

1. The Assembly of First Nations (AFN) makes these submissions pursuant to the Tribunal's letters dated June 14th and 17th, 2016. In those letters, the Panel expressed the view that it would be beneficial to receive responses from all the parties and in particular whether the AFN agrees or disagrees with the positions taken by the First Nations Child and Family Caring Society of Canada (Caring Society) and the Chiefs of Ontario (COO) with respect to their responses to the Respondent's (INAC) May 10th and May 24th submissions.

Position with respect to the Caring Society's and COO's Submissions

2. At the outset, the AFN states that it agrees completely with the Caring Society's submissions of June 8th, particularly paragraphs 14 through 55, which contain an assessment of the extent to which INAC has complied with the Panel's Order to "immediately take measures to address the items underlined...from the findings in the *Decision*". The AFN is also supportive of the COO's June 8th submissions, as well as Nishnawbe Aski Nation (NAN), with regard to INAC's compliance with immediate relief measures in Ontario and the 1965 Agreement.

Spirit of Reconciliation

3. The AFN also takes to heart the concluding remarks by the Panel Chairperson in the Tribunal's ruling of April 26, 2016, that "the hearings in this matter were held in the spirit of reconciliation..[t]he time is now" and that communication and collaboration is essential in order to achieve reconciliation. The AFN is acutely aware of the need to translate intentions into action and that is where the difficulty lies. We are dealing in this case with a situation of historical disadvantage and systemic discrimination, perpetrated by a "system" within the oldest Ministry of government, which is not used to being accountable for its discriminatory conduct and is resistant to change.

Next Steps

4. The AFN welcomes the Directions and Rulings the Panel has made thus far regarding remedies, including the April 26th Ruling and, in particular, believes the Panel's decision to retain jurisdiction is necessary.
5. The AFN also agrees with the Panel's decision to order INAC compliance and reporting on immediate relief measures, as contained in the April 26th Decision. However, it is the AFN's submission that a further round of submissions and compliance reporting might be counter-productive and add unnecessary further delays. Moreover, it is creating resourcing challenges for the AFN. Rightfully, INAC should be contributing to these costs. For these reasons, we urge the Panel to move to a more definitive order, pursuant to section 53(2) that INAC be ordered to engage in consultations with the Commission, on immediate measures to redress the discrimination which it has been found to be guilty of perpetrating against First Nations' children and families. Of course, as we set out in our previous submissions, based on s. 35 of the *Constitution Act, 1982*, this process ought to be carried out with the full consultation of the AFN, the Caring Society, and with the COO and NAN.
6. The AFN reaffirms its prior submissions on remedies and continues to support the Caring Society's and COO's position with respect to immediate relief and long-term reform of the FNCFS Program.
7. The AFN submits that the opportunity to realize effective and meaningful change in the immediate term diminishes as time passes on and we drift further away from the date the Tribunal's decision in the main complaint was rendered. The AFN submits that all parties, including the Respondent, have expressed that same concern in some way or another. However, the AFN submits that the differences lie in the priorities each party has identified in their submissions but such differences must not delay the implementation of immediate remedies any further.
8. The AFN has made good faith overtures to discuss and negotiate immediate relief. No immediate movement has materialized. Therefore, the AFN submits the Panel direct the

Commission to further assist in creating the momentum required to advance the immediate remedies stage.

9. The Panel identified immediate, mid-term, and long-term relief should be considered by the parties. Subsequently, the scope of submissions in relation to immediate relief provided to the Panel are, at times, inclusive of both mid-term and long-term relief. The AFN submits the parties, including the Respondent, must come together in determining what immediate change can be made now that will immediately begin to redress the discriminatory elements of the FNCFS Program.

The AFN's Position Regarding Immediate Relief: A Definitive Order

10. The time from the Panel's ruling on the merits of this complaint to the establishment and implementation of immediate relief is in danger of becoming mid-term relief. The Panel has already found discrimination as against First Nation children in on-reserve child welfare programs. Without action on immediate relief, the discrimination continues unabated.
11. There is a demonstrated need for momentum in relation to implementing immediate relief to redress the FNCFS Program and prevent the discrimination against First Nation children from occurring now and into the future.
12. Recognizing the complexities and importance of implementing real change in relation to its findings of historical disadvantage and discrimination, in its decision 2016 CHRT 10, the Panel stated:

[36] Remedial orders designed to address systemic discrimination can be difficult to implement and, therefore, may require ongoing supervision. Retaining jurisdiction in these circumstances ensures the Panel's remedial orders are effectively implemented (see *Grover* at paras. 32-33).

[37] Given the ongoing nature of the orders above, and given the Panel still needs to rule upon other outstanding remedial requests, the Panel will continue to maintain jurisdiction over this matter. Any further retention will be re-evaluated following the further reporting by INAC and the Panel's ruling on the other outstanding remedies.

13. Therefore, consistent with the Panel's ruling in relation to ongoing supervision, the AFN submits a definitive order regarding immediate relief should:

- Appoint the Commission to engage all party discussions on immediate relief;
- Direct the Commission to create a subsequent draft order, including specific dates for the Respondent to implement all of the elements of immediate relief; and
- Require the Commission to submit a draft order agreed upon by all parties within 60 days of the Panel's section 53(2) order.

14. The AFN submits such an order ought to include a process for the Respondent to follow that, in addition to regular reporting, the Respondent work with the Commission to ensure compliance with the orders already in place. The AFN proposes the details of this order be based on the parties' submissions and based on consultation with the parties in an in-person meeting.

15. An order produced through consultation would be consistent with INAC's fiduciary obligations and the constitutional status of the victims of the discrimination and their families under s. 35 of the *Constitution Act, 1982*.

16. The AFN submits the Panel must maintain its supervision over the Respondent during the entirety of the remedies stage, until a new FNCFS Program is rolled out, and that timelines in relation to remedial orders are adhered to.

17. The AFN also submits that the Panel should order the Respondent, or direct the Commission, to address the issue of resourcing the parties to ensure their meaningful participation in the process that must occur among the parties to effect the necessary change to end the ongoing discrimination.

18. The AFN submits an order respecting immediate relief should complement orders already made by the Panel.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

June 24, 2016



David C. Nahwegahbow & Stuart Wuttke
Co-Counsel for the Complainant
Assembly of First Nations

CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA
and ASSEMBLY OF FIRST NATIONS

Complainants

and

CANADIAN HUMAN RIGHTS COMMISSION

Commission

and

ATTORNEY GENERAL OF CANADA
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Respondent

and

CHIEFS OF ONTARIO, AMNESTY INTERNATIONAL CANADA and
NISHNAWBE ASKI NATION

Interested Parties

RESPONDENT'S FURTHER REPLY SUBMISSIONS
RE IMMEDIATE RELIEF

Jonathan Tarlton & Patricia MacPhee
JUSTICE CANADA
Atlantic Regional Office
5251 Duke Street, Suite 1400
Halifax, NS B3J 1P3

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Introduction

1. The following is Canada's reply to both the June 8, 2016 submissions of the First Nations Child and Family Caring Society ("Caring Society") and Chiefs of Ontario; and the June 24, 2016 submissions of the Canadian Human Rights Commission ("Commission") and the Assembly of First Nations ("AFN").

2. The Tribunal has made a finding of discrimination. Canada has begun working with First Nations' child welfare agencies, communities, leadership and front-line services providers, the Provinces and Yukon Territory, as well as with parties to this Complaint to reform child welfare and to eliminate those aspects of the Program that resulted in discrimination. Some of Canada's recent efforts to address the findings of the Tribunal and the concerns raised by the parties to the Complaint include:

- a) Indigenous and Northern Affairs Canada ("INAC") has commenced working on the development of a National Advisory Committee ("Committee") with the Caring Society and the AFN. Several meetings have taken place over the last two months and work is ongoing to develop the Terms of Reference of the Committee and the role it will play in the Program reform.
- b) INAC is developing a phased engagement strategy with partners, for national and regional discussions across the country. A national summit on Indigenous Child Welfare is being planned for October 2016 to share best practices and to guide partner dialogue on the future of child and family services.
- c) INAC is participating in a newly-established Federal/Provincial/Territorial Indigenous Children and Youth in Care Working Group created to move forward on previous provincial/territorial work to address the overrepresentation of Indigenous children in care.
- d) On July 5, 2016, Canada announced an investment of up to \$382 million in new funding to provide support to Jordan's Principle. This funding will be used to enhance service coordination and ensure service access issues are resolved so that

children's needs are assessed and responded to quickly.

3. As noted previously, Canada has already increased existing program funding. Canada has and will continue to work with the Complainants, Interested Parties and partners who did not appear before the Tribunal to renew its relationship with Indigenous people in the area of child welfare. Work to reform the Program requires sufficient time to yield positive and measurable outcomes. This work cannot be undertaken unilaterally.

Canada's Response to the Submissions of the Caring Society

Clarification required on when "full implementation" will occur.¹

4. "Full implementation" of Budget 2016 investments will be reached in Year 4 (2019-2020). Funding for 2016-17 has been scaled over the four years with some jurisdictions getting 60% of full funding in Year 1 and others receiving 40%.² More information on the implementation of Budget 2016 investments is provided in Canada's May 24, 2016 submissions at para. 34 and Annex A.

Clarification on Prevention Funding and closing the gap.³

5. Canada is investing over \$17.5 million in 2016-17 for prevention services and programming in British Columbia, Yukon, New Brunswick, Newfoundland and Labrador and Ontario. Over the next five years, \$161.9 million in new program funding will be provided to support prevention based programming in the remaining jurisdictions, not including any adjustments to address agency growth.

6. For a breakdown of funding that will be provided to service providers in these jurisdictions in future years, please see the below excerpt from Table 2 of Canada's May 24 submission:

¹ Caring Society's Submissions dated June 8, 2016, paras. 17, 28, 41, 42, 43.

² Funding for Year 1 is scaled to 60% in Quebec, Alberta, Saskatchewan, Prince Edward Island, Manitoba and Nova Scotia. In Year 2, it increases to 70%, Year 3 it will be 80% and 100% in Year 4. In British Columbia, Yukon, New Brunswick, Newfoundland and Labrador and Ontario, funding in Year 1 is scaled to 40% to expand prevention services. In Year 2, it increases to 60%, Year 3 to 80% and 100% in Year 4.

³ Caring Society's Submissions dated June 8, 2016, para. 20.

Prevention	Funding Year 1 2016-2017	Funding Year 2 2017-2018	Funding Year 3 2018-2019	Funding Year 4 2019-2020	Funding Year 5 2020-2021	5 Year Total
New Brunswick	\$ 2,254,477.25	\$ 3,381,715.87	\$ 4,508,954.50	\$ 5,636,193.12	\$ 5,636,193.12	\$ 21,417,533.86
British Columbia	\$ 5,390,010.32	\$ 8,085,015.48	\$ 10,780,020.64	\$ 13,475,025.80	\$ 13,475,025.80	\$ 51,205,098.04
Newfoundland	\$ 1,060,132.58	\$ 1,590,198.88	\$ 2,120,265.17	\$ 2,650,331.46	\$ 2,650,331.46	\$ 10,071,259.55
Yukon	\$ 924,696.70	\$ 1,387,045.06	\$ 1,849,393.41	\$ 2,311,741.76	\$ 2,311,741.76	\$ 8,784,618.69
Ontario	\$ 8,041,829.12	\$ 11,326,642.09	\$ 14,611,455.05	\$ 18,264,318.81	\$ 18,264,318.81	\$ 70,508,563.88

7. Budget 2016 investments are a first step to establishing stability for front-line services and ensuring continued access to these services as Canada engages with its partners to reform the Program.

Clarification on the 2012 Deck's \$38 million and explanation of why the amount for British Columbia is different.⁴

8. The \$38 million funding increase identified in the 2012 draft Way Forward presentation was scaled up over five years, as indicated on slide 16 of that presentation. Therefore, the preliminary estimate of \$32 million needed to implement the Enhanced Prevention Focused Approach ("EPFA") in British Columbia, Yukon, New Brunswick, Newfoundland and Labrador and Ontario from 2012 (removing funding for Maintenance and Strength and Accountability) should be compared with the Budget 2016 investment of \$42.3 million for Years 4 and 5 for Prevention, and not with Budget 2016 Year 1 investments:

	2012 DRAFT Deck	Budget 2016 Funding Year 4 & 5
Yukon	\$2 M	\$ 2,311,741.76
British Columbia	\$21 M	\$ 13,475,025.80
Ontario	\$5 M	\$ 18,264,318.81
New Brunswick	\$2 M	\$ 5,636,193.12
Newfoundland and Labrador	\$2 M	\$ 2,650,331.46
Subtotal for 5 jurisdictions	\$32 M	\$42,337,610.95
Maintenance	\$4 M	
Strength and Accountability	\$2 M	
Total	\$38 M	\$42.3 M

Please note that unlike in 2012, maintenance for expanding prevention would be included as part of the Program's Annual Growth and Cost Drivers calculation.

⁴ Caring Society's Submissions dated June 8, 2016, paras. 21 and 23.

9. When comparing the correct numbers, there is only one jurisdiction (British Columbia) which will receive less than the amount identified in Option 1 of the 2012 draft Way Forward presentation. The decrease in funding for British Columbia is due to a variety of reasons, which are outlined below:

- a) Budget 2016 was developed using formulas that were updated over several years through a comprehensive process undertaken by INAC which included a cost driver study and trend analysis, using the most current data available by jurisdiction. These updated amounts more accurately reflect the needs and requirements of the Program. The figures outlined in the 2012 draft Way Forward presentation were preliminary estimates and do not include any revisions made to funding levels since 2012.
- b) Funding for service providers in British Columbia was determined using a funding formula that was tailored to reflect the provincial delegation model. In British Columbia, the Ministry of Children and Family Development uses a three tiered operational process for delegated Aboriginal Child and Family Service agencies: C3 - Resource development and voluntary service delivery; C4 - Guardianship services for continuing custody wards; C6 - Full child protection services.⁵
- c) The formula was tailored to reflect the provincial delegation model to ensure the funding provided to agencies is more in line with the services for which they have been delegated. The estimate provided in the 2012 draft Way Forward Deck was calculated by applying a standard EPFA model to all agencies regardless of their level of delegation. Furthermore, the INAC BC Regional Office worked with First Nation Child and Family Service Agency Directors to determine the best way to allocate immediate relief funding to achieve the most beneficial impact for those they serve.

⁵ More information on the British Columbia delegation process can be found at: <http://www2.gov.bc.ca/gov/content/family-social-supports/data-monitoring-quality-assurance/reporting-monitoring/accountability/delegated-aboriginal-agencies/delegation-process>.

- d) For more details on the updated funding model used for Budget 2016, please see Annex B of Canada's May 24, 2016 submission.

Response to the submission that Canada did not provide a specific reference to the number of agencies receiving additional funding to reflect actual children in care counts in Directive 20-1 jurisdictions.⁶

10. As outlined in Canada's April 18, 2016 Budget 2016 follow-up submission, 26 agencies were identified as serving communities with more than 6% of children in care (7% in Manitoba) as part of the Budget 2016 costing exercise. The breakdown by region is as follows:

- a) Newfoundland and Labrador: one service provider operating with over 6% children in care;
- b) British Columbia: five service providers operating with over 6% children in care;
- c) Manitoba: four service providers operating with over 7% children in care;
- d) Alberta: seven service providers operating with over 6% children in care;
- e) Quebec: eight service providers operating with over 6% children in care; and
- f) Saskatchewan: one service provider operating with over 6% children in care.

11. As one of the drivers for the Program's annual growth and cost drivers is the ratio of children in care, in the future, agencies that have the more than 6% of children in care will be able to have their funding levels adjusted to reflect operational needs.

Clarification on funding for small agencies.⁷

12. Current funding methodology for scaling small agencies through core funding **does not** decrease the funding provided to an agency for protection or prevention services. Under current funding methodologies, agencies serving a population of less than 800 children have funding provided to their core services scaled. These core line items include:

⁶ Caring Society's Submissions dated June 8, 2016, para. 27.

⁷ Caring Society's Submissions dated June 8, 2016, paras. 30 and 32.

- a) expenses for Board of Directors;
- b) salaries for the Director, Human Resources, Administrative and Financial staff positions;
- c) funding for agency evaluations, audit, insurance and legal; and
- d) administration overhead, benefits, training and travel for the **above positions only.**

Further information required to explain how Canada's "growth and cost drivers" formula was calculated.⁸

13. As previously outlined in Canada's May 24, 2016 submissions, the Budget 2016 investments also include increased funding to address growth and future cost drivers. The annual amount for growth and cost drivers was calculated at approximately 3% of program investments to address future growth in Program costs. The increased funding takes into account the growth and cost drivers needed over the next five years to address pressures in the area of:

- a) child maintenance costs;
- b) non-salary operations costs;
- c) salaries; and
- d) rates of the number of children in care.

14. Allocation of the Budget 2016 investments to address the various growth and cost drivers will be done through regular review of the needs within the program. This additional funding is expected to align with provincial and territorial rates and will help to address the need to reallocate funding from other departmental programs to address shortfalls within the Program.

⁸ Caring Society's Submissions dated June 8, 2016, paras. 35 and 36.

Clarification on how funding for non-EPFA regions was calculated.⁹

15. The funding model used to calculate the investment for service providers that have not yet transitioned to EPFA was determined by applying an updated and improved EPFA model that included adjustments to expenditures that the Program was able to address within existing policy and funding authorities, as noted in Canada's submission of May 24, 2016 (para. 13). Templates of the funding models used to calculate these investments can be found in Annex B of Canada's May 24, 2016 submission.

16. As previously noted in Canada's May 24, 2016 submission (paras. 13a-13g), these updated formulas provide increased funding for a range of existing and new budget items including, but not limited to:

- a) upward adjustment for agencies with a child in care count above 6%;
- b) increases for prevention-based services for all jurisdictions;
- c) upward adjustments to staff salaries to provide comparability with current provincial rates;
- d) adjustments to case-worker ratios;
- e) additional funding for off-hour emergency services;
- f) increased investments to service purchase per child; and
- g) funding for intake and investigation services, which were previously managed and administered by the provinces.

17. These new investments will enable service providers to recruit and retain qualified and experienced staff, including social workers and other child-welfare practitioners, to adopt more community based service structures and to have the required resources to provide prevention activities that respond to their specific priorities and community needs. The investments of immediate relief funding are at the discretion of each service provider.

⁹ Caring Society's Submissions dated June 8, 2016, para. 38.

Clarification on the 2012 Deck's \$108 million figure.¹⁰

18. The figures outlined in the 2012 draft Way Forward presentation were preliminary estimates and do not include any additional revisions made to funding levels since 2012. Similar to Budget 2016 investments, the 2012 draft Way Forward presentation indicated that funds would increase over five years. Accordingly, the appropriate comparison for the preliminary estimate of \$108 million in the 2012 draft Way Forward presentation is Budget 2016's Year 5 \$176.8 million investment, not Budget 2016 Year 1's scaled investments of \$71 million.

19. In addition, the option proposed in the 2012 draft Way Forward presentation was not limited to expanding prevention services and programming in British Columbia, Yukon, New Brunswick, Newfoundland and Labrador and Ontario, but was an option to provide increased funding across the entire Program.

20. The \$108.13 million figure from INAC's 2012 draft Way Forward Presentation cited by the Caring Society included the following:

- a) \$32 million to expand the EPFA to the five remaining jurisdictions;
- b) \$43.1 million to top-up existing EPFA jurisdictions;
- c) \$4 million for maintenance (this amount has been rolled into the \$65.03 million and is not clearly identified in the presentation);
- d) \$27.03 million for program growth calculated at 3% (this amount has been rolled into the \$65.03 million and is not clearly identified in the presentation); and
- e) \$2 million for strength and accountability (this amount has been rolled into the \$65.03 million and is not clearly identified in the presentation).

21. In comparison, Budget 2016 amounts proposed at \$176.8 million for Year 5 and ongoing, are higher than what was proposed in the 2012 draft Way Forward presentation:

- a) \$40.4 million to expand prevention based services to the five remaining

¹⁰ Caring Society's Submissions dated June 8, 2016, para. 39.

jurisdictions;

- b) \$70.1 million to top-up jurisdictions operating under the EPFA (program integrity);
- c) \$62.6 million for program growth and cost drivers;
- d) \$2.3 million to support the expansion of provincial case management systems; and
- e) \$1.4 million for INAC internal resources.

Clarification on comparability of staff benefit packages.¹¹

22. The methodologies of the agency costing model templates (provided as part of Annex B of Canada's May 24, 2016 submission) show that costing for staff benefits used the Government of Canada rate of 20.45% of total salaries. This methodology was agreed upon with partners in all EPFA jurisdictions as these frameworks were being established. It was expanded to remaining jurisdictions as part of INAC's Budget 2016 costing analysis. Canada is open to further discussions at regional tripartite tables and as part of larger reform conversations, to consider changing the way in which future rates are calculated.

Explanation of why Canada has not addressed cost of living, remoteness, multiple offices, culturally appropriate programs and services, band representatives and least disruptive measures at the stage.¹²

23. Issues of remoteness, multiple offices, capital infrastructure and band representatives will be addressed as part of reform discussions with relevant partners and stakeholders. Unilateral action by INAC to decide how to address these important issues would be contrary to the Government's commitment to renew the relationship between Canada and Indigenous peoples, building a relationship based on recognition of rights, respect, cooperation and partnership.

¹¹ Caring Society's Submissions dated June 8, 2016, para. 44.

¹² Caring Society's Submissions dated June 8, 2016, para. 53.

Response to the submission that Canada presumes, without any supporting data, that all of the agencies operating in Canada (many of which have been operating for at least 20-30 years) lack capacity to fully implement immediate relief measures.¹³

24. Funding will be provided to agencies incrementally to allow them time to hire, train and retain staff, based on the availability of qualified social workers and other staff and to expand their prevention programming. This approach in no way means that Canada presumes that agencies lack the capacity to implement immediate relief measures, but recognizes that it takes time to grow any organization and this is a mechanism to ensure funding does not lapse.

25. The information provided by Canada in its submissions is a result of a long-term process that included discussions with agencies, First Nations representatives as well as Provinces and the Yukon Territory as part of ongoing work through existing tripartite and bilateral tables.

26. Finally, contrary to the allegation advanced, at no time has Canada ever suggested that "those who are victimized by the discrimination are somehow responsible for the slow pace of change".

Clarification on how Canada arrived at financial projections for 2017-18 to 2020-21 and steps to ensure funding is available following the next election cycle.¹⁴

27. Funding provided through Budget 2016 investments will be ongoing.

28. Budget 2016 investments will be phased in with 100% implementation occurring in Year 4 (2019-20) and again in Year 5 (2020-21). The financial projections for 2017-18 to 2020-21 were calculated by scaling the full annual investment, as seen in Years 4 and 5. For program integrity jurisdictions (Quebec, Alberta, Saskatchewan, Prince Edward Island, Manitoba and Nova Scotia), funding has been scaled at a rate of Year 1 - 60%, Year 2 - 70%, Year 3 - 80% and 100% for Years 4 and 5. For expanding prevention (British Columbia, Yukon, New Brunswick, Newfoundland and Labrador and Ontario), funding has been scaled at a rate of Year 1 - 40%, Year 2 - 60%, Year 3 - 80% and 100% for Years 4 and 5.

¹³ Caring Society's Submissions dated June 8, 2016, para. 59.

¹⁴ Caring Society's Submissions dated June 8, 2016, para. 61.

Clarification needed on how immediate relief investment will be sufficient to address the discrimination identified by the Tribunal.¹⁵

29. Canada's immediate relief investments will address and help to remediate the discrimination identified by the Tribunal and will improve outcomes for First Nations children and families. These investments will provide greater prevention services to families and support critically needed Program stability while ensuring that no disruption of services occurs during work to reform the Program.

Clarification on the provision of funding to address growth in maintenance costs and INAC Operations.¹⁶

30. Growth in maintenance costs, one of the components used to calculate the Program's annual adjustment, and costs for INAC operations are part of overall Budget 2016 investments to the Program. Annexes A and C of Canada's May 24, 2016 submission provide a complete breakdown of how these investments have been allocated to each FNCFS service provider. Funds from the annual adjustment will be allocated to agencies on an as-needed basis to respond to increases in maintenance expenses, provincial salary changes and increased ratio of children in care, as needed. Any growth in maintenance would continue to be addressed by INAC.

31. The small amount allocated to INAC operations is to support work with partners in implementing medium and long-term program reform measures.

Clarification that immediate relief funds shall be used strictly for the purposes listed in the submissions and that additional and non-discriminatory funding shall be allocated for costs not enumerated on the list.¹⁷

32. Budget 2016 investments provide increased funding across a range of existing and new formula line items. How immediate relief funds are allocated is at the discretion of each autonomous service provider according to their respective needs.

¹⁵ Caring Society's Submissions dated June 8, 2016, para. 62.

¹⁶ Caring Society's Submissions dated June 8, 2016, para. 63.

¹⁷ Caring Society's Submissions dated June 8, 2016, para. 64.

Response to the concerns and further relief being requested as set out in Appendix "A" and response to the concerns regarding Canada's responses to the Caring Society's requested measures set out in Appendix "B".¹⁸

33. See Tables at Annex A and Annex B respectively for Canada's response.

Response to the submissions on the definition of Jordan's Principle that Canada keep up-to-date information regarding its implementation of Jordan's Principle, including its definition of Jordan's Principle, assessment criteria and process, remediation and appeal mechanism.¹⁹

34. Canada's new approach to Jordan's Principle addresses, in a timely manner, the needs of First Nations children living on-reserve with a disability or a short-term condition requiring health or social services. It helps to ensure that these children have access to the health and social services they need. Work is starting immediately and INAC and Health Canada are already applying the broader definition.

35. Under this new child-first principle, addressing the needs of children is the number one priority. Once a child's needs are assessed, available services will be coordinated in the most effective and responsive way by preventing jurisdictional disputes from delaying their access to needed services.

36. The proposed approach to implementing this definition of Jordan's Principle has three key components: a service coordination model of care; engagement with jurisdictional and First Nations partners on a longer-term approach; and a service access resolution mechanism. Together these components will ensure that Canada is positioned to meet the goal of immediately responding to the needs of First Nations children using the expanded definition while working to develop the capacity to identify and manage the support and service needs of vulnerable children.

37. A governance structure will be established to provide oversight to this new approach to Jordan's Principle. This structure will include a working level committee comprised of Health Canada and INAC officials from headquarters as well as Director General and Assistant Deputy Minister-level Committees. The purpose of these groups is to provide oversight that will monitor

¹⁸ Caring Society's Submissions dated June 8, 2016, para. 68.

¹⁹ Caring Society's Submissions dated June 8, 2016, para. 72.

and guide the implementation of the new application of Jordan's Principle, share information between and across Health Canada and INAC and provide an appeals function. Appeals will be heard in an expeditious way to ensure children with disabilities and those with short-term discrete conditions receive services in a timely manner.

38. In order to implement the new approach, Canada will invest up to \$382 million in new funding over three years to provide support to this approach and broader application of Jordan's Principle. This funding will be used to enhance service coordination and ensure service access issues are resolved so that children's needs are assessed and responded to quickly.

39. Canada will engage with First Nations, provincial partners and the Yukon to establish what supports are needed in the long term.

Response to the submission that, without delay and on an annual basis thereafter, Canada post non-identifying data on the number of Jordan's Principle referrals made, the disposition of those cases and the timeframe for disposition as well as the result of independent appeals.²⁰

40. Canada will communicate on an annual basis, through formal reporting, data on Jordan's Principle, including the number of cases tracked by Jordan's Principle Focal Points, as well as how much funding from the Jordan's Principle fund was needed to address specific cases. It will also report on activities related to the Enhanced Service Coordination function.

Response to the submission that, without delay, Canada provide all First Nations and First Nations child and family agencies with the names and contact information of the Jordan's Principle focal points in all regions and any future changes to these contacts.²¹

41. Canada updated the Jordan's Principle section of INAC's website to ensure that if individuals believe they have encountered a potential Jordan's Principle case and have not been able to resolve it at the community level, they should contact INAC's or Health Canada's regional office, call the INAC enquiries referral telephone line or email INAC's public enquiry email box. INAC will maintain a current referral list for the Focal Points to ensure people are directed to the appropriate contacts and avoid delays. National and regional Focal Points are in regular contact to ensure consistent and accurate information is provided to individuals. As stated

²⁰ Caring Society's Submissions dated June 8, 2016, para. 72.

²¹ Caring Society's Submissions dated June 8, 2016, para. 72.

previously, Canada will continue to engage with partners to improve the service.

Canada's Response to the Submissions of the Chiefs of Ontario

Response to the suggestion that immediate relief funding be provided regardless of the Province of Ontario's concurrence.²²

42. Canada is working with the Government of Ontario to provide immediate relief funding to Ontario for the benefit of FNCFS service providers. Approximately \$5.8 million will be provided to Ontario.

43. As indicated in INAC's March 10, 2016, submission, due to the 1965 Agreement being between the federal government and the province, INAC is not in a position to make unilateral changes to the Agreement. Canada cannot flow funds to Ontario, via the 1965 Agreement, without the province's concurrence. There is, currently, no other funding agreement available to flow immediate funds to Ontario.

44. At this time, Ontario has not agreed to allow immediate relief funding to be flowed through the 1965 Agreement. By letter of June 2, 2016, addressed to INAC's Deputy Minister, Ontario proposes that an alternative approach be found to create an interim arrangement outside of the 1965 Agreement for INAC to flow funds for immediate relief. INAC is actively working with Ontario to find a means to flow this money to the province as soon as possible. Before any options are finalized, INAC would seek support from First Nations leadership.

45. INAC fully supports a multi-party, collaborative approach including the Ontario First Nations leadership and the province to reach agreement to expedite the provision of immediate relief funding and to review the 1965 Agreement in order to recommend reforms.

Response to the request for the imposition of a deadline for the distribution of immediate relief.²³

46. As part of INAC's immediate relief investment, approximately \$5.8 million will be provided to Ontario to support First Nations Child and Family services. INAC is prepared to

²² Chiefs of Ontario's Submissions, June 8, 2016, para. 11.

²³ Chiefs of Ontario's Submissions, June 8, 2016, para. 14.

immediately flow the funding for on-reserve preventative services within Budget 2016 commitments. First Nations and service providers funded by Ontario may wish to design and implement other types of services to meet specific needs to prevent children from coming into care.

47. Canada's immediate relief investments are available for distribution. INAC officials have been in contact with the province to discuss how to flow these investments in a timely manner. INAC officials have contacted Chiefs of Ontario and provincial officials to arrange for meetings with First Nations representatives and provincial officials to discuss how these investments could be allocated in a timely manner.

48. As work is ongoing between Ontario and First Nations leadership, Canada requests the Tribunal not impose a deadline and instead allow the parties to work collaboratively to address this issue.

Response to the request for additional information regarding how Canada determined the budget amount for immediate relief funding in Ontario and request for information about the relevance of Akwe:go and Wasanabin prevention programs for cost-comparison purposes.²⁴

49. Budget 2016 commits to increased funding each year over the coming four years. By Year 4 (2019-20), the annual allocation of \$15,901,511 will represent an increased federal government contribution of approximately \$560 per child, based on a December 2014 on-reserve population of 28,426 registered Indian children aged 0-18 in Ontario. Current INAC funding of prevention services is approximately \$600 per child. Thus, INAC's total annual allocation by 2019-20 for prevention services in Ontario First Nations will be more than \$1,160 per child. This federal contribution represents approximately 93.5% of the anticipated total eligible provincial reimbursement claim for these services under the 1965 Agreement.

50. The Budget 2016 allocation of \$15,901,511 annually by 2019-20 in Ontario is aimed to address two funding gaps. The costing approach aimed to ensure that each service provider would receive provincial funding of at least \$1,000 per on-reserve child for prevention services, plus an additional amount of more than \$200 per on-reserve child for potential new programs

²⁴ Chiefs of Ontario's Submissions, June 8, 2016, paras. 17 and 18.

such as the youth-focused off-reserve Akwe:go and Wasanabin prevention programs. INAC took into consideration that Ontario currently invests approximately \$6,200,000 in the off-reserve Akwe:go and Wasanabin programs.

51. In light of the objective of the 1965 Agreement to provide services on the basis that needs in First Nations communities should be met according to standards applicable in other communities in Ontario, the Akwe:go and Wasanabin programs offered through the Ontario Federation of Indigenous Friendship Centres were identified as potentially relevant prevention-based programs available to urban Aboriginal children and youth, with a potential to be adapted and extended to on-reserve First Nations communities with additional federal support.

52. When Ontario introduced this programming off-reserve in the Friendship Centres a decade ago, it expressly invited Canada to develop a comparable on-reserve program. Due to lack of funding, additional investments were not available until Budget 2016.

Response to the allegation that immediate relief funding does not account for remoteness nor for the different circumstances faced by the agencies in Ontario.²⁵

53. As noted in Canada's June 3 submission, INAC recognizes that remoteness is one of the key challenges affecting the delivery of services in many northern communities. Canada will include this important topic through partner engagement and with expert input both through the review of the 1965 Agreement and as part of the engagement process going forward.

54. Although the costing methodology did not address remoteness concerns, INAC is open to the recommendations of First Nations leadership and the province to allocate immediate relief funding where it is most needed, potentially including a consideration of remoteness.

55. As stated in Canada's June 3 submission, INAC will engage on undertaking and providing support for research on this topic, including consideration for building on the research contained in the Barnes report, to analyze a possible remoteness quotient.

²⁵ Chiefs of Ontario's Submissions, June 8, 2016, para. 23.

Response to the issue of funding for the Band Representative program.²⁶

56. As noted in Canada's May 26 and June 3, 2016 submissions, funding for Band Representatives in the child welfare process will be considered as part of the Program reform process as Canada wants to engage with appropriate partners and take into consideration their suggestions on how to best address this request.

Response to the submission that Canada has not committed any immediate relief for mental health services in Ontario.²⁷

57. On June 13, 2016, Prime Minister Justin Trudeau announced approximately \$69 million will be invested over the next three years to provide immediate support for indigenous mental wellness. This new funding will support various measures, including:

- a) four crisis response teams to provide capacity for rapid response services and crisis coordination in regions located in Ontario, Manitoba and Nunavut identified as having the greatest need;
- b) an increase of mental wellness teams from 11 to 43 for communities most at-risk in order to strengthen existing community supports;
- c) training for existing community-based workers to ensure that care services are provided in a culturally appropriate and competent way;
- d) the establishment of a 24-hour culturally safe crisis response line;
- e) collaboration with Inuit partners to develop a community-led suicide prevention approach; and
- f) funding for two permanent mental health workers to deliver care in Attawapiskat.

58. This funding will be in addition to what Canada currently provides, close to \$300 million annually for community-based mental health and addictions programming on-reserve and in the territories.

²⁶ Chiefs of Ontario's Submissions, June 8, 2016, para. 24.

²⁷ Chiefs of Ontario's Submissions, June 8, 2016, para. 25.

Canada's Response to the Submissions of the Commission

Response to the submissions on Canada's use of the term "stakeholders".²⁸

59. Agencies and front-line service providers, First Nations communities and leadership, and the parties to this Complaint are key partners and key stakeholders in reforming the Program. Canada supports the inclusion of all partners in discussions to reform the Program.

Canada's Response to the Submissions of the AFN

Response to the submission that INAC be ordered to engage in consultations with the Commission on immediate measures to redress the discrimination which it has been found to be guilty of perpetrating against First Nations' children and families.²⁹

60. Canada has already addressed a number of immediate relief measures, such as providing increased funding to FNCFS service providers through an updated and improved funding formula. Canada would like to move forward with addressing medium and long-term reform through engagement with key partners.

61. All work to reform the Program will include engagement with key partners such as agencies and front-line service providers, First Nations communities and leadership, Provinces and Yukon Territory and the parties to this Complaint.

Response to the submission that Canada has made no attempts to discuss and negotiate immediate relief with the Complainants.³⁰

62. Canada disagrees with the statement that no attempts have been made by Canada to engage with the AFN on the issue of immediate relief.

63. INAC officials have met with officials from the AFN numerous times following the release of the Tribunal's decision to discuss issues related to the formation of the Committee and have met to discuss INAC's immediate relief commitments. The majority of the requests for

²⁸ Commission's Submissions, June 24, 2016, para. 5.

²⁹ AFN's Submissions, June 24, 2016, para. 5.

³⁰ AFN's Submissions, June 24, 2016, para. 8.

additional immediate relief components that the Complainants have raised will need to be addressed in the medium to long term, following engagement with partners.

64. As part of its immediate relief efforts, INAC has committed to cash-managing \$36 million, half of Year 1 Budget 2016 investments, to provide much needed investments to FNCFS service providers in Quarter 1/Quarter 2 of the 2016-17 fiscal year. As of July 1, 2016, approximately \$28.4 million has been provided to FNCFS service providers and the Department is working to roll-out the remaining Quarter 1/Quarter 2 funding.

65. The remaining funds that will be provided in Quarter 3/Quarter 4 of the fiscal year as new investments remain subject to Parliamentary and Treasury Board approval. A breakdown of these investments can be found at Annex C of Canada May 24, 2016 submission.

Response to the submission that the Tribunal should appoint the Commission to engage all party discussions on immediate relief; direct the Commission to create a subsequent draft order, including specific dates for the Respondent to implement all of the elements of immediate relief; and require the Commission to submit a draft order agreed upon by all parties within 60 days of the Panel's section 53(2) order.³¹

66. The proposed order should not be granted as it is not necessary.

67. As previously stated, INAC's immediate relief investments are currently being provided to FNCFS service providers. \$36 million has been committed to support service providers in Quarter 1/Quarter 2 2016-17, with remaining funding to be released in Quarter 3/Quarter 4 upon Treasury Board and Parliamentary approvals.

68. INAC has committed to working with key partners to advance Program reform and to address a number of the relief measures proposed by the Complainants, such as remoteness, small agencies, legal fees, etc. This work needs to be addressed as part of mid to long-term reform and after thorough engagement with key partners.

69. As such, Canada does not believe it necessary for the Commission to be appointed.

³¹ AFN's Submissions, June 24, 2016, para. 13.

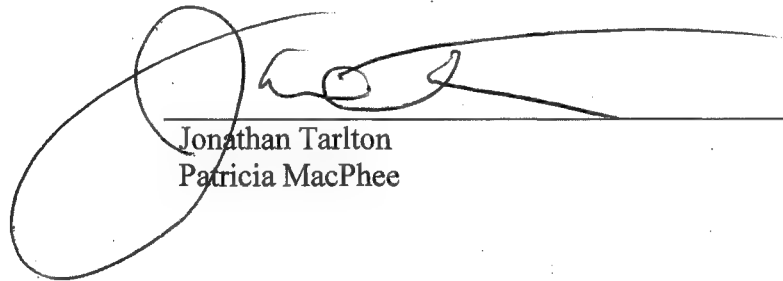
Response to the submission that the Tribunal order Canada or direct the Commission to address the issue of resourcing the parties to ensure their meaningful participation in the process to effect reform.³²

70. INAC will be providing support to ensure participation by key partners (including the parties to this Complaint) in future efforts to reform the Program.

71. Canada is committed to continue to work with the Complainants, Interested Parties and partners who did not appear before the Tribunal to renew its relationship with Indigenous people in the area of child welfare reform. This work will require sufficient time to yield positive and measurable outcomes and collaboration between all parties.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

July 6, 2016



Jonathan Tarlton
Patricia MacPhee

³² AFN's Submissions, June 24, 2016, para. 17.

Appendix A: Canada's compliance with immediate relief orders and additional immediate relief sought by the Caring Society

Caring Society Requests for Further Orders		INAC's Response to Requests for further Orders
1	The Caring Society asks that Canada be required to explain in detail how Canada will consult with the parties, First Nations and First Nations agencies regarding all matters regarding Jordan's Principle.	Engagement is a key component of the new approach to Jordan's Principle. As mentioned in the May 10 submission, Health Canada and INAC have written jointly to provinces and territories to initiate discussions related to Jordan's Principle. First Nations leaders will also be engaged on the design, management and delivery of the new approach to Jordan's Principle for implementation over the next three years as well as longer-term policy and program reform. INAC and Health Canada senior officials will meet with the AFN to discuss next steps and to develop specific details on implementation of a child-first approach. At the same time, headquarters and regional executives will engage their First Nation partners on the proposed approach.
2	The Respondent be ordered to: i) identify the amount of funding identified to respond to Jordan's Principle cases; and ii) identify any criteria and processes related to accessing the funding.	Canada's renewed child-first approach is dedicating up to \$382 million in new funding over the next three years to ensure the health and social needs of First Nations children on-reserve with disabilities and those who present with a discrete, short-term issue for which there is a critical need for health and social supports are met. This fund will be accessed by Health Canada and INAC to cover costs of services that are required to meet provincial normative standards of services for children with disabilities living on-reserve when these services are not otherwise available. The fund will be used to address the individual needs of children as cases are brought forward, to resolve access issues, as well as to enhance service coordination. During this three-year time period, Canada will work with First Nations partners, provinces and Yukon territory to assess this response and ensure a longer term approach is established.
3	Canada's May 10, 2016 report simply says disputes within the federal government are now included, it does not specifically say the federal government is now applying Jordan's Principle to all jurisdictional disputes. The Caring Society asks that Canada be required to	Canada reiterates its position identified in its May 10 submission to the Tribunal that it has expanded the application of Jordan's Principle to apply to all jurisdictional disputes and now includes those between federal government departments. On May 9, 2016, an interim guidance document was issued to Health Canada regional focal points and is a key component of Canada's renewed child-first approach. On May 4th, the expanded scope of Jordan's

Caring Society Requests for Further Orders	INAC's Response to Requests for further Orders
<p>confirm that INAC is applying Jordan's Principle to <u>all jurisdictional disputes</u>.</p>	<p>Principle was communicated by teleconference to INAC regional Focal Points and on June 9th, INAC regional Focal Points met face-to-face in Ottawa to discuss the details of the expanded scope.</p> <p>Officials from both departments at Headquarters and regions are closely monitoring all potential Jordan's Principle cases and regular regional Jordan's Principle Focal Points teleconferences have been instituted to discuss the status and resolution of cases.</p> <p>Following the announcement of the child-first approach on July 5, 2016, Health Canada and INAC will provide further direction to their staff to initiate the implementation of this approach, as well as support the resolution of disputes or service gaps over the next three years based on provincial normative standards.</p>
<p>4 In its May 10, 2016 response (p.2), the Respondent confirms it has written to the provinces and territories but provides no evidence of communicating such reforms in detail and in writing to First Nations, FNCFS agencies, federal employees working in First Nations children's programs including Jordan's Principle focal points and to the public.</p> <p>The Caring Society requests that the Respondent be ordered to communicate such reforms in detail and in writing to First Nations, FNCFS agencies, federal employees working in First Nations children's programs including Jordan's Principle focal points and to the public within 10 business days of the order</p>	<p>Following the announcement of the child-first approach, senior officials will engage with First Nations at the national and regional levels to plan the design and the implementation of the Service Coordination function and develop an effective approach to organize services for First Nations children on-reserve with disabilities.</p>
<p>5 Canada's May 10, 2016 compliance report (p.2) only speaks to its commitment to no longer restrict Jordan's Principle cases to children with multiple disabilities and multiple service providers but falls short of confirming that the Respondent is now applying Jordan's Principle to all First Nations children as the order requires.</p>	<p>Pursuant to paragraph 379 of the Tribunal's decision issued January 26, 2016, Jordan's Principle is designed to address issues of jurisdiction which can result in delay, disruption and/or denial of a good or service for First Nations children on-reserve, and further, paragraph 382 states that Jordan's Principle is meant to apply to all First Nations children. Therefore, as per the Tribunal's decision, Canada reiterates its position identified in its May 10 submission to the Tribunal</p>

Caring Society Requests for Further Orders		INAC's Response to Requests for further Orders	
<p>The Caring Society asks that Canada be required to confirm that INAC is applying Jordan's Principle to all First Nations children.</p>		<p>that the new approach to Jordan's Principle now applies to all First Nations children living on-reserve.</p>	
6	<p>The preamble to Canada's May 10, 2016 submission (p.1) acknowledges Jordan's Principle's must apply without the case conferencing requirement, but the balance of the submission includes no action on how this has been complied with.</p> <p>The Caring Society asks that Canada be required to provide specific details as to what action INAC has taken to comply with the "government of first contact" provision in the CHRT order.</p>	<p>Health Canada and INAC are working together to ensure the government of first contact pays for the required services that align with Jordan's Principle. On May 4th, the expanded scope of Jordan's Principle was communicated by teleconference to INAC regional Focal Points and on June 9th, INAC regional Focal Points met face-to-face in Ottawa to discuss the details of the expanded scope. INAC is in frequent contact with regional Focal Points to address questions; and all potential Jordan's Principle cases are being monitored. On May 9, 2016, an interim guidance was issued to Health Canada's regional Jordan's Principle Focal Points stating that: "the current definition of Jordan's Principle should not be used when considering whether Jordan's Principle applies in a situation involving a child with disabilities". In addition, regions were directed to "ensure that needed services for children will not be delayed due to case conferencing or policy review". Further management of any such case will be done in a manner that will ensure the appropriate service or suite of services is being implemented in a timely manner.</p>	
7	<p>Canada suggests it will manage Jordan's cases in ways that result in children receiving services in a "timely" manner fails to ensure that its management of cases in a timely manner does not result in adverse differentiation or denials of service nor does it provide any details on the management process or what timely means.</p> <p>Caring Society requests and order that the Respondent be required to: i) describe the process it will use to "manage" Jordan's Principle cases in detail including special procedures to respond urgent cases and cases arising outside of business hours; ii) how the public can report Jordan's Principle cases and appeal decisions; iii) how the Respondent's process ensures</p>	<p>There is a network of Jordan's Principle Focal Points in Health Canada and INAC offices who are trained to respond to cases should they arise. Additional training and orientation of Focal Points to the new definition and expanded scope of Jordan's Principle will begin immediately.</p> <p>If families believe they have encountered a potential Jordan's Principle case and have not been able to resolve it at the community level, they are invited to contact INAC's Regional Offices or Health Canada's Regional Offices via phone, or call the INAC public enquiries referral telephone line at 1-800-567-9604, or to submit requests to INAC's InfoPubs email address. Further details are available on INAC's website at: https://www.aadnc-aandc.gc.ca/eng/1334329827982/1334329861879. Canada is assessing whether an off-business hour mechanism needs to be put in place.</p>	

Caring Society Requests for Further Orders	INAC's Response to Requests for further Orders
<p>non-discrimination and compliance with 2016 CHRT 2 and 2016 CHRT 10; iv) Details on the training of, and direction to, government staff to ensure Jordan's Principle cases are received, assessed, and addressed in accordance with 2016 CHRT 2 and 2016 CHRT 10; and be required to provide v) quarterly public reporting on numbers of Jordan's Principle cases received, processing outcomes and times and case results.</p>	<p>As part of the three-year plan, a new service coordination function will be established and managed by independent organizations funded through Funding Arrangements to identify and address the needs of children with disabilities. Service coordinators will develop integrated care plans; connect the child and family to services; and alleviate the stress of navigating service systems. Service coordination supports a more comprehensive approach to needs assessment that goes beyond those cases requiring the intervention of a Jordan's Principle Focal Point. They will involve Jordan's Principle Focal Points as necessary to expediently address any critical service gaps.</p> <p>Data collection, tracking and reporting is a key aspect of the new approach. The proposed three-year timeframe will allow for the collection of needs and service data based on actual cases that are brought forward for dispute management and/or service coordination. This data, together with the outcomes of stakeholder engagement, will inform a longer term approach to addressing the needs of First Nations children on-reserve.</p> <p>An envelope dedicated to services for children on-reserve with disabilities has been established. This fund will be accessed by INAC and Health Canada to cover costs of services that are required to meet provincial normative standards of services when these services are not otherwise available.</p> <p>As stated above, a governance structure will be established to deal with Jordan's Principle cases when they arise. This structure will include a working level committee, as well as an Assistant Deputy Minister-level oversight mechanism at headquarters that will monitor and guide the implementation of the new application of Jordan's Principle. The ADM-level oversight mechanism will also act as an appeals body that will deal with urgent situations falling outside the standard Jordan's Principle definition. Appeals will be heard in an expeditious way to ensure children with disabilities receive services in a timely manner.</p>
8	<p>Canada be ordered to provide the amounts allocated per item, the means by which these items were identified and relate to compliance with the Panel's rulings, the</p> <p>Annex B of Canada's May 24, 2016 submission provides the amounts allocated per item across all regional models and the methodologies used to arrive at these amounts.</p>

Caring Society Requests for Further Orders	INAC's Response to Requests for further Orders
<p>calculations used to arrive at given amounts and the data relied upon as part of the calculation.</p> <p>The Caring Society requests the Respondent be ordered to exclude growth in maintenance costs and costs related to INAC operations and personnel from immediate, medium and long term relief as these are regular program costs.</p>	<p>Growth in maintenance costs are a critical component of Program expenditures.</p> <p>The annual adjustments provided through Budget 2016 investments were calculated using growth in maintenance as a factor which will help address increased costs incurred by FNCFS service providers. INAC will provide these amounts to service providers as needed to cover all eligible expenses, including maintenance.</p> <p>Further, <u>all</u> funding under the annual adjustment will be allocated to FNCFS service providers.</p> <p>INAC's operating costs make up less than 1% of overall investments to the Program in Budget 2016.</p> <p>Canada respectfully requests the Tribunal not grant the Caring Society's requested order.</p>
<p>9 The Respondent has provided no evidence or data to support its contention that an incremental investment is legitimized by its claims in the April 6, 2016 submissions nor does it explain why such an approach was imposed on all First Nations Child and Family Service Agencies regardless of years of experience, capacity and readiness. The Respondent also fails to provide a detailed report on how it calculated the amounts for each year and what data it relied upon for such calculations for fiscal years ranging from 2016-2021.</p> <p>The Caring Society requests INAC be ordered to cease its incremental approach to remedying the inequality based on unsupported assumptions of agency readiness or other considerations.</p>	<p>Further information on how Budget 2016 investments were calculated can be found in Canada's May 24, 2016 submission in Annex B and have been further elaborated as part of this submission.</p> <p>Past experience and discussions with funding recipients have shown that incremental funding allows FNCFS services providers enough time to hire, train and retain staff, based on the availability of qualified social workers, and expand their prevention programming.</p> <p>Canada respectfully requests the Tribunal not grant the Caring Society's requested order.</p>

Appendix B: Caring Society's requests for further orders related to the Respondent's compliance reports

Caring Society Requests for Further Orders		INAC's Response to further Orders	
1	<p>While the federal government recognizes the importance of "culturally-based and community-supported FNCFS programming" it provides no funding to make that possible. This will hamper First Nations child and family service providers in their provision of culturally based services and in their efforts to cost out culturally based services in the medium and long term relief stages. The federal government fails to provide an alternative strategy for ensuring culturally based equity.</p> <p>The Caring Society requests that the Respondent be ordered to provide each FNCFS Agency with an initial amount of \$75,000.00 for fiscal year 2016/2017 to develop and/or update a culturally based vision for safe and healthy children and families and to begin to develop and/or update culturally based child and family service standards, programs and evaluation mechanisms.</p>	<p>Supporting the development and/or updating of culturally-based and community-supported First Nations child and family services and programming is an important matter that Canada would like to address as part of future program reform as Canada would like to hear the voices and proposed options from FNCFS service providers.</p> <p>In addition, FNCFS service providers could utilize immediate relief investments to respond to the need for culturally-based programming and activities that respond to individual community needs.</p> <p>Canada respectfully requests the Tribunal not grant the Caring Society's requested order and allow Canada time to engage with its partners to achieve the necessary reforms.</p>	
2	<p>The Caring Society requests that the Respondent be ordered to: Before August 31, 2016 and in a manner approved by the Canadian Human Rights Commission (hereinafter "the Commission") and the Complainants, the Respondent must ensure that its staff and executive staff receive 15 hours of mandatory training on the Truth and Reconciliation Commission's final report (December, 2015); the FNCFS Program (including formula development, assumptions, and program reviews); the Tribunal decision on the merits, and on the full meaning and scope of Jordan's Principle as set out in the Tribunal's decision on the merits and subsequent</p>	<p>As noted in para. 18 of its May 24, 2016 submission, Canada remains open to further discussions on improving the cultural sensitivity of its employees.</p> <p>However, the request that staff undertake specific training is beyond the scope of the Complaint and seeking to have all staff trained in this respect is overly broad.</p> <p>Canada respectfully requests the Tribunal not grant the Caring Society's requested order.</p>	<p>Released under the Access to Information Act Communiqué en vertu de la Loi sur l'accès à l'information</p>

Caring Society Requests for Further Orders

INAC's Response to further Orders

	decisions	
3	<p>1. The Caring Society requests that the Respondent be ordered to fully reimburse the following actual costs incurred by FNCFS agencies, without restrictions based on the existing funding formulas:</p> <ul style="list-style-type: none"> a. legal fees related to child welfare investigations (i.e., warrants), children in care and inquiries, according to the tariff employed by the federal government for the remuneration of outside counsel, as updated from time to time; b. actual costs related to the receipt, assessment and investigation of child protection reports; c. costs of building repairs where a FNCFS agency has received from a licensed building inspector, structural engineer, fire marshal or equivalent First Nations authority a notice to the effect that repairs must be done to comply with applicable fire, safety and building codes and regulations or where there is other evidence of non-compliance with applicable fire, safety and building codes and regulations 	<p>Canada wants to ensure that accurate information is being collected with respect to the actual costs of these and other items that may be raised throughout the engagement process. Accordingly, Canada requests that the Tribunal allow it to work with key partners such as FNCFS agencies, communities, leadership and front-line service providers, with Provinces and Yukon territory and with the parties to this Complaint on how to address these and other issues as part of Canada's commitment to reform the Program before making a decision at this point.</p> <p>Canada respectfully requests the Tribunal not grant the Caring Society's requested order.</p>
4	<p>This year, only 51,830.765.38 will be conferred to agencies.</p> <p>The Caring Society requests that the Respondent be ordered to cease the practice of requiring FNCFS agencies to recover cost overruns related to increases in the number of children in care or the higher needs of children in care from the prevention and operations funding streams</p>	<p>Budget 2016 investments will provide FNCFS agencies with funding to address cost and growth drivers. As has always been INAC's business practice, should pressures exceed an agency's allocated budget, additional resources would be secured through INAC regional offices requesting funding pressures be considered by INAC Headquarters for additional funds.</p> <p>In addition, Program reform will involve a redesign of the Program funding models, policies and procedures.</p>

Caring Society Requests for Further Orders

INAC's Response to further Orders

		Canada respectfully requests the Tribunal not grant the Caring Society's requested order.
5	<p>The Respondent has not shown whether or how these [immediate relief] investments will be sufficient in complying with the request, why the investment will be conferred only incrementally or the data upon which these increases were calculated.</p> <p>The Caring Society requests that the Respondent be ordered to immediately make the adjustments in the calculation of the operation and prevention budgets of FNCFS agencies, with respect to provinces and territories covered by Directive 20-1 and those covered by EPFA.</p>	<p>Any additional changes, updates or overhaul to Program funding formulas will be addressed through engagement with our partners as part of Program reform.</p> <p>As set out in Canada's March 10, 2016 submission (para. 16), some of the specific changes proposed by the Caring Society to the funding approach are based on dated studies and information. Should the Tribunal order Canada to implement the suggested approach, it may not meet the current day needs of First Nations children and families.</p> <p>Budget 2016 formulas were updated through a thorough process undertaken by the Department over the years and included a comprehensive cost driver study and trend analysis, based on the most current data available by jurisdiction. These updated amounts more accurately reflect the needs and requirements of the Program.</p> <p>Further information on how Budget 2016 investments were calculated can be found in Canada's May 24, 2016 submission in Annex B and are further elaborated on as part of this submission.</p> <p>Canada respectfully requests the Tribunal not grant the Caring Society's requested order.</p>
6	<p>The Respondent has not shown that it has updated the 1965 Agreement.</p> <p>The Caring Society requests that the Respondent be ordered to update the schedule of the 1965 Agreement to reflect the current version of the <i>Child and Family Services Act</i> (Ontario) and ensure funding for the full range of statutory services including band representatives, children's mental health and</p>	<p>The 1965 Agreement is between the federal government and the Province of Ontario and will require joint provincial and federal agreement to undertake changes which will need to be considered as part of mid to long-term reform.</p> <p>Approximately \$8 million will be provided to Ontario and to the Mohawk Council of Akwesasne (Quebec residents) in 2016-17. By Year 4, service providers in Ontario, including the Mohawk Council of Akwesasne, will receive approximately \$18.2 million in new investments (funding is ongoing), for a five-year investment of \$70.5 million in additional program funding.</p>

Caring Society Requests for Further Orders

INAC's Response to further Orders

	prevention services.	
7	The Caring Society requests that the Respondent be ordered to immediately provide \$30,000.00 to the Aboriginal Peoples Television Network to transfer the tapes of the Tribunal hearings onto a publicly accessible format and provide sufficient funds to the National Centre for Truth and Reconciliation to store and manage public access to the tapes.	<p>INAC will actively work with Ontario and First Nation partners regarding how these investments can better support prevention activities for First Nations families and children.</p> <p>Canada reiterates its previous submission from May 24, 2016 that the Aboriginal Peoples Television Network was not a party to the Complaint. As a non-party, the Tribunal should not grant it relief as part of the remedies. In addition, this request should not be considered as an immediate relief remedy.</p> <p>Canada respectfully requests the Tribunal not grant the Caring Society's requested order.</p>
8	The Caring Society requests that the Respondent be ordered to review decisions to deny funding to support the development and operation of FNCFS Agencies particularly with regard to the applications for new agencies by the Okanagan Nation Alliance and Carcross First Nations.	<p>Canada provides funding to all First Nation agencies delegated under provincial/territorial legislation to provide child and family services on-reserve. The request of the Caring Society can only be addressed through engagement and agreement with provincial and territorial governments, as well as First Nation partners.</p> <p>In addition, engagement is key to fully addressing how best to change funding methodologies to meet the needs of smaller agencies and ensure that they remain viable and operational.</p> <p>Canada respectfully requests the Tribunal not grant the Caring Society's requested order.</p>
9	The Caring Society requests that the Respondent be ordered to immediately fund a new iteration of the Canadian Incidence Study of Reported Child Abuse and Neglect	<p>As previously noted, Canada is supportive of providing funding for a new iteration of the Canadian Incidence Study and is now working with its partners to undertake this work; therefore, an order by the Tribunal is not necessary. Most recently, discussions were held with PHAC and researchers from McGill's Centre for Research on Children and Families on June 22, 2016.</p> <p>Therefore an order by the Tribunal is not necessary.</p>
10		Canada's position on this issue remains the same as in its May 24, 2016

Caring Society Requests for Further Orders

INAC's Response to further Orders

	<p>The Caring Society requests that the Respondent be ordered to cease its practice of reallocating funding from other First Nations programs to address shortfalls in First Nations child and family services, education, social assistance and other programs.</p>	<p>submission. Budget 2016 investments will contribute to a more stable and predictable funding environment within INAC, reducing the need for reallocations from other critical programs such as infrastructure and housing. Any commitment relating to funding for programs other than the FNCFS Program is beyond the scope of this Complaint.</p> <p>Canada respectfully requests the Tribunal not grant the Caring Society's requested order.</p>
11	<p>The Caring Society requests that the Respondent be ordered not to decrease or further restrict funding for First Nations child and family services or children's services covered by Jordan's Principle.</p>	<p>As stated at para. 4 of Canada's March 10, 2016 submission, Canada agrees not to decrease or further restrict funding for First Nations Child and Family Services or children's services covered by Jordan's Principle.</p>
12	<p>The Caring Society requests that the Respondent be ordered to update its policies, procedures (including FNCFS agency reporting procedures) and contribution agreements to comply with the Tribunal's order and communicate such reforms in detail and in writing to First Nations, FNCFS Agencies and the public.</p>	<p>Reform will involve a redesign of the Program's funding models, policies and procedures. Such work will require significant analysis and collaboration with all relevant key partners and is therefore a longer term process. In the interim, extending funding to support dedicated prevention programming in all jurisdictions will allow Canada to eliminate the outdated Directive 20-1. This represents a significant step in addressing concerns raised by the Tribunal and the parties. Canada reiterates that using existing funding mechanisms and procedures will ensure children and families continue receiving services and will prevent any disruption of these services. Canada will work with its partners to update and adjust processes as needed for next fiscal year.</p> <p>Canada respectfully requests the Tribunal not grant the Caring Society's requested order.</p>
13	<p>The Respondent has not shown that these [additional program investments] amounts will allow FNCFS Agencies to provide services on par with the funding received by such agencies in other provinces. The Caring Society requests that an order be issued to this effect.</p>	<p>Revised formulas used to support Budget 2016 investments were updated following a comprehensive cost driver study and trend analysis, based on the most current data available by jurisdiction. The aim of these investments is to ensure that services provided to First Nation children living on-reserve are equitable to those being received by children off-reserve.</p>

Caring Society Requests for Further Orders

INAC's Response to further Orders

		Canada respectfully requests the Tribunal not grant the Caring Society's requested order as best efforts are already underway to enable the provision of equitable services to First Nation children living on-reserve.
14	<p>The Caring Society requests that the Respondent be ordered to pay an amount of \$5,000,000.00, adjusted for the compound rate of inflation from 2012 values pursuant to the Consumer Price Index, to be divided among FNCFS agencies in Ontario in proportion to the population of First Nations children residing on reserve that they serve, in order to allow them to provide prevention services.</p>	<p>As noted in Canada's May 24, 2016 submission, the amounts to address cost drivers and growth provided to the Program through Budget 2016 accounts for average yearly growth include: maintenance growth; agency operating costs, excluding salaries (e.g. rent, transportation, supplies and equipment); salaries; and increases in ratios of children in care.</p> <p>As part of INAC's immediate relief investment, approximately \$8.0 million will be provided to the Ontario Government and to the Mohawk Council of Akwesasne (Quebec residents) in 2016-17. By Year 4, service providers in Ontario, including the Mohawk Council of Akwesasne, will receive approximately \$18.2 million in new investments (funding is ongoing), for a five-year investment of \$70.5 million additional program funding.</p> <p>Canada respectfully requests the Tribunal not grant the Caring Society's requested order.</p>
15	<p>The Caring Society requests that all of the above-noted relief be made immediately.</p>	<p>For fiscal year 2016-17, Canada will be providing FNCFS service providers \$60.9 million; \$7.3 million, on an as-needed basis, to address agency growth; and \$2 million is also available to agencies to support the expansion of provincial case management systems on-reserve.</p> <p>Canada has previously stated that it has scaled incrementally to reflect the need to hire and train staff and to plan for the expansion of prevention services. In discussions with partners, should additional funds be requested to provide services in the short-term while long-term reform is being determined, Canada would review the circumstances and consider the need. Should pressures exceed the allocated budget, additional resources would be secured by INAC regional offices submitting requests to INAC Headquarters to receive additional funds to cover these requirements.</p>

Caring Society Requests for Further Orders		INAC's Response to further Orders	
		Canada respectfully requests the Tribunal not grant the Caring Society's requested order.	
16	The Caring Society requests that the Respondent be ordered to provide the data relied upon to make these calculations.	Further information on how Budget 2016 investments were calculated can be found in Canada's May 24, 2016 submission in Annex B and have been further elaborated as part of this submission.	

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l'information



Department of Justice
Canada

Atlantic Regional Office
Suite 1400, Duke Tower
5251 Duke Street
Halifax, Nova Scotia B3J 1P3

Ministère de la Justice
Canada

Bureau régional de l'Atlantique
Pièce 1400, Tour Duke
5251, rue Duke
Halifax (Nouvelle-Écosse) B3J 1P3

Telephone: (902) 426-5959
Facsimile: (902) 426-8796
E-Mail: jonathan.tarlton@justice.gc.ca

Our File: AR-800702
Notre dossier:

Your file:
Votre dossier:

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Loi sur l'accès à
l'information

Via Email: Dragisa.Adzic@tribunal.gc.ca

September 30, 2016

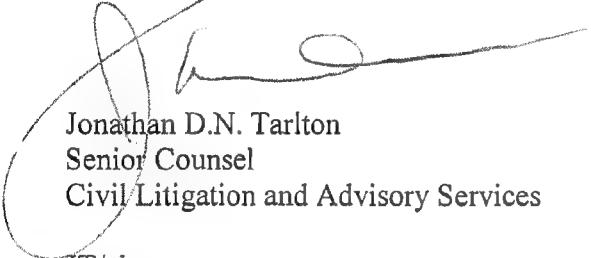
Dragisa Adzic
Registry Officer
Canadian Human Rights Tribunal
160 Elgin Street - 11th Floor
Ottawa, ON K1A 1J4

Dear Mr. Adzic:

**Re: First Nations Child and Family Caring Society, et al. v Attorney General of
Canada - Tribunal File: T1340/7008**

Please find enclosed INAC's Response to the Tribunal's Ruling issued September 14, 2016 (paragraph 160C(1)).

Yours truly,


Jonathan D.N. Tarlton
Senior Counsel
Civil Litigation and Advisory Services

JT/ab

Enclosure

cc: David Taylor/David Nahwegahbow/Daniel Poulin/Samar Musallam/Stuart Wuttke/Justin Safayeni/Maggie Wente/Melissa Chan/Patricia MacPhee/Terry McCormick/Ainslie Harvey/Julian N. Falconer/Akosua Matthews/Anthony Morgan

Canada

A0455819_1-000166

INAC'S RESPONSE TO THE CANADIAN HUMAN RIGHTS TRIBUNAL ORDER OF SEPTEMBER 14, 2016

The following is Indigenous and Northern Affairs Canada's (INAC) response to the September 14, 2016 ruling of the Canadian Human Rights Tribunal (the Tribunal). In that ruling, the Tribunal ordered INAC to serve and file the following by September 30, 2016:

- a. The rationale, data and any other relevant information it states it used to determine its five-year plan for investing in the FNCFS Program and in determining budgets for each FNCFS Agency, including its cost driver study and trend analysis documentation, how it arrived at financial projections beyond fiscal year 2016-2017, any steps taken to ensure comparability of staff salaries and benefit packages to provincial rates, the information used to determine the caseload ratios in Quebec and Manitoba and, generally, how it determined values for off-hour emergency services, staff travel, agency audits, insurance and legal services; and
- b. The correspondence with the Province of Ontario referred to in its submissions (see paras. 85-87).

We recognize the information being provided is detailed and INAC welcomes the opportunity to meet with the Tribunal and the parties to explain it.

A (1) The rationale and any other relevant information INAC states it used to determine its five-year plan for investing in the First Nations Child and Family Services Program (FNCFS Program).

The rationale for the five-year plan was developed in fall 2015 as part of the 2016 federal Budget process, prior to the January 26, 2016 Tribunal decision. As part of this annual process, departments usually prepare their proposals between September and November, after which time further deliberations are subject to Cabinet confidence until the Budget is announced.

The investments announced in Budget 2016 are a first step in Canada's reform of the FNCFS Program.

The underlying information used to develop the five-year plan built on work that had been undertaken in previous years to determine changing agency needs and funding pressures. This included tripartite discussions, throughout 2013 and 2014, on FNCFS Program funding methodologies. These discussions took place in most jurisdictions, except in the province of Ontario due to the unique nature of the funding under the 1965 Agreement and Yukon territory where the territory delivers services. Examples of

provincial tripartite discussions include (i) Alberta, where several meetings of all 17 agencies were held to examine the EPFA funding model and to outline agency challenges and concerns (**Annex A**); and (ii) Manitoba, where a tripartite working group examined funding deficiencies identified by agencies, including salary parity, costs associated with intake and the need for core funding for agencies serving more than one community (**Annex B**).

In fall 2015, INAC also used information on provincial/territorial rates and salaries, case management ratios and number of children in care. This information was gathered by reviewing publically available provincial/territorial salary and rate information, accessing population statistics available through INAC internal databases and through discussion with INAC Regional Offices on input from service providers about cost pressures.

Using the information gathered through the tripartite discussions and the updated data from 2015, INAC calculated increases for the five-year plan. This involved updating data, costs and ratios to reflect the reality of each region and to address some known limitations (e.g., salaries, provincial ratios) to the calculations. While EPFA was the starting point, changes were made to the base costing formula. This work was done in fall of 2015, which was before the Tribunal's decision. The intention is to further refine formulas as the program reform is completed, and information on the actual needs of agencies is provided.

The specific information and data used by INAC to revise agency calculations can be reviewed on the Excel spreadsheets at **Annex C**. These spreadsheets contain the information and data used to calculate the funding allocation for each agency (e.g., population information from the Indian Registry System and children in care counts from the FNCFS Information Management System). The data then interacts with the various cost variables (e.g., staff counts, salaries, case load ratios) to determine the overall budget for a given FNCFS agency.

The five-year plan includes three items costed at a national level: (i) case management systems, (ii) INAC departmental staff, and (iii) growth and cost drivers.

Case management systems

As outlined in Canada's May 24, 2016 Submission to the Tribunal, the five-year plan includes investments in case management systems *to support the extension of provincially-managed systems to on-reserve FNCFS agencies, where opportunities exist.*

The rationale for this investment was based on some provincial governments expressing an interest to INAC in sharing the cost of extending the availability of computerized case management systems to on-reserve service providers. The information INAC used to cost case management systems was based on previous provincial pilot projects/initiatives it

had cost-shared. The costs included anticipated "one-time" costs associated with initial set-up expenditures that would be acceptable within existing Program authorities, such as hardware, software, connectivity, training for agency staff and site security.

Departmental staff

The five year-plan also included costs related to INAC departmental staff, which makes up less than 1% of the overall investments to the Program in Budget 2016. The new departmental staff were required to engage with partners to deliver new investments through the FNCFS Program. The costing includes funding to hire 3 full-time equivalent (FTE) staff in Headquarters and 7.5 FTEs in the Regional Offices, with salaries and supporting operational costs.

Growth and cost drivers

Rationale and information about growth and cost drivers can be found in A (3) below.

A (2) The rationale, data and any other relevant information it states it used in determining budgets for each FNCFS Agency.

INAC developed regional calculations to determine budgets for each FNCFS agency. The calculations were provided to the Tribunal as Annex B of its May 2016 Submission.

Individual agency allocations were determined using the regional calculations. These individual calculations made use of information such as case load ratios and salaries at the provincial/territorial level. Agency-specific data (e.g. 0-18 year-old population and the number of children in care) was then inputted into these templates to determine the individual agency allocation (i.e., the specific needs and circumstances of each agency individually was not examined). The fact that regional calculations were applied to each agency within the various regions can be verified in the attached agency-specific spreadsheets (**Annex C**) by looking at the agency-by-agency breakdown in each spreadsheet.

A (3) The rationale, data and any other relevant information it states it used, including its cost driver study and trend analysis documentation.

The annual amount for growth and cost drivers was calculated at approximately 3% of program investments to address future growth in Program costs. The rationale for investments in "growth and cost drivers" was to support a more stable and predictable funding environment. It was recognized that funds were required to increase the ability of the FNCFS Program to address rising cost pressures and minimize the need to potentially internally reallocate funding from other INAC programs.

A series of analyses done between 2006-07 and 2012-13 on the impact of the main cost drivers on the total expenditures of the Program were used to develop the costs for growth and cost drivers. These cost drivers include increases in maintenance costs (e.g., rates for keeping children out of parental home, such as foster care, institutions and group homes) and in operations (e.g., growth in salaries, and growth in non-salary costs such as administration). The summary of the historical analysis of the cost drivers and rationale is provided in **Annex D**, and the trend analysis spreadsheet is provided in **Annex E**.

To support the costing of the five-year investment plan, INAC developed a weighted methodology based on historic expenditure trends to calculate the growth and drivers that would support future sustainability. This process determined that an annual rate of increase of 3.05% on Program funding (including new investments) would lead to ongoing program sustainability. This amount is consistent with the request of the Complainants, Commission and Interested Parties for a 3% annual increase.

The specific methodology used to determine an increase of approximately 3.05% per year for Budget 2016's five-year plan is outlined below.

Cost Category	Weight (%)	Weighted Rate (%)	Methodology
(1) Average growth rate of maintenance costs	4.70%	0.00	There are two components of program costs - direct cost to support a child (foster care, etc.) and some of providing child welfare services. But both drivers are 0.00%.
(2) Projected inflation rate	1.40%	0.00	0.00%
(3) Projected growth rate of salary costs	3.00%	0.00	0.00%
Estimated average from increased prevention and better care component is based on 0.00% the overall value of Projected Growth Escalation component and the 3.05% overall cost per change.			

Note: Consideration had been given to include growth in children in care as a separate cost driver. This was a smaller driver that was later incorporated as part of the other existing drivers identified (e.g. such as maintenance) to eliminate duplication in costing and simplify the model.

Based on the Program's review of historical expenditure trends, weights were applied using the weight of maintenance costs (50% of total expenditures) multiplied by the average growth rate of maintenance costs over the past five years (4.7%) PLUS the weight of salary costs (30% of total expenditures) multiplied by a projected growth rate of 3% (based on a review of salary increases) PLUS the weight of other non-salary costs (20% of total expenditures) multiplied by a projected inflation rate of 1.4% (derived from CPI at the time). This results in 3.5%. Taking into account expected cost savings from increasing use of kinship care (found in trend analysis spreadsheet (**Annex D**) as well as new investments in prevention/program integrity, the percentage is brought to 3.05%.

The percentage of 3.05% was derived as part of the analysis of program cost drivers to determine an adequate amount beyond the 2% figure used by INAC more broadly. Instead of the 2% applying to a portion of the FNCFS Program's base funding, the 3.05%

applies to the entire Program (not including case management and departmental staff) for the purposes of addressing future cost pressures as they arise.

The 3.05% will be allocated to agencies based on previous year's expenditures, enabling agencies to keep pace with rising costs.

Though the specific methodologies for determining "growth and cost drivers" have varied somewhat over the years, the drivers that create program pressures have remained largely the same (i.e., growth in maintenance costs (cost of maintaining a child out of the parental home) and growth in operations for agencies) and as a result, the percentage required to keep pace with costs has remained consistent in the range of 3%.

Cost drivers could unpredictably change due to a number of factors, such as substantive provincial legislative/regulatory changes or standards. INAC will seek internal mechanisms, including the 3.05% growth and drivers funding, to address these pressures and continue to monitor trends to ensure the appropriate level of funding is available.

A (4) How it arrived at financial projections beyond fiscal year 2016-2017.

The methodology used was to first develop the amount of funding required at full implementation (Year 4) and then apply a phased approach to increase funding to that level over five years. This phased approach varied for those regions that were previously funded under the EPFA model and those regions that were not previously funded under the EPFA model.

INAC's rationale to use a phased approach was based on information from previous reports that noted agency challenges in staff hiring and retention (e.g. INAC Implementation Evaluation of EPFA in Saskatchewan and Nova Scotia¹, INAC Implementation Evaluation of EPFA in Manitoba², NB Provincial Report – Hand in Hand³). This approach was used in order to mitigate the risk of lapsing or failing to expend funding.

¹ Saskatchewan and Nova Scotia EPFA evaluation:

<https://www.aadnc-aandc.gc.ca/eng/1382098076520/1382098176246>

"Moreover, almost 60 percent of agencies reported in their business plans that staff recruitment and retention was an issue. Some reasons given include the rural/remoteness factor, salary levels, stress/trauma and a shortage of people with the necessary qualifications."

"Cultural Competencies Agencies in both provinces report that there are not enough qualified First Nation staff to fill the demand. This can create barriers when agency staff are either unable to speak the prevalent language in the community or do not fully grasp community traditions and customs. Thus, this can require additional training and can lead to additional mistrust of the agency by community members."

² Manitoba Evaluation (2014) (<https://www.aadnc-aandc.gc.ca/eng/1431520132322/1431520217975>) "Most agencies report that it is difficult to recruit and retain qualified staff, particularly First Nation staff."

³ New Brunswick Report - A Review of First Nations Child Welfare <https://www.gnb.ca/0073/PDF/handinhand-e.pdf> Recommendation 7: It is recommended that the human resource plan place emphasis on the recruitment and retention of qualified First Nations social workers to provide clinical supervision and frontline services.

For regions that were already funded under the EPFA model, the funding started at 60% in Year 1 because these regions already had a number of implementation mechanisms in place, including tripartite tables, tripartite agreements and mechanisms to support program management and accountability to implement the new funding.

For those regions not being funded under the EPFA, the funding started at 40% in Year 2 because it was anticipated that tripartite discussions would need to take place, including on how to best deliver prevention programming in their respective regions.

For case management and INAC departmental staff (see above Budget 2016 table), the plan also reflected determining the total amount of funding required, and is then incrementally increasing the amounts over the course of the five-year plan.

For growth and cost drivers, this amount is not scaled. This amount is based on taking the FNCFS Program's previous year's base funding and then applying 3.05% to the entire Program (not including case management and departmental staff).

As the following Budget 2016 table outlines the five-year investments (note, this Table slightly varies from the table submitted as part of Canada's May submission due to slight modifications made as a portion of growth and drivers funding that has been already allocated to agencies after Budget 2016):

Finance Recommended (\$ millions)	15-16	16-17	17-18	18-19	19-20	20-21	Total	Ongoing
ACCRUAL PROFILE								
EPFA	0.0	42.1	49.1	56.1	70.1	70.1	287.5	70.1
NON-EPFA	0.0	16.2	24.2	32.3	40.4	40.4	153.5	40.4
Growth and Cost Drivers	0.0	10.0	21.8	34.2	47.8	62.6	176.4	62.6
Case management	0.0	2.1	2.2	2.3	2.3	2.3	11.2	2.3
Department staff	0.0	0.7	1.3	1.4	1.4	1.4	6.2	1.4
TOTAL	0.0	71.1	98.6	126.3	162.0	176.8	634.8	176.8
CASH PROFILE	(X) same as accrual							

A (5) The steps taken to ensure comparability of staff salaries and benefit packages to provincial rates.

Staff salaries were derived from provincial salary grids by taking an average or mid-range salary level for relevant positions. Where current information was not available for a particular region, salary adjustments were made by compounding annually and adding to the last available salary grid. The methodology used can be seen in Annex B of Canada's May 24, 2016 Submission to the Tribunal.

A (6) the information used to determine the caseload ratios in Quebec and Manitoba.

Caseload ratios in Quebec were determined in the following ways:

- **Intake and Investigation:** costing was determined by using the ratio applied in other regions, as an FNCFS Program estimate. Estimates are based on existing data. Until program reform is completed through national engagement, INAC will not have information on actual needs.
- **Resource Support Worker:** this was an FNCFS Program estimate. Estimates are based on existing data. Until program reform is completed through national engagement, INAC will not have information on actual needs.
- **Foster Care Trainer:** the number of one per agency was used as it is consistent with most other regions. Estimates are based on existing data. Until program reform is completed through national engagement, INAC will not have information on actual needs.
- **Case Manager:** this was determined based on advice received by the INAC Quebec Regional Office from *Centre Jeunesse* about an appropriate ratio.
- **Case Conference Coordinator:** the number of one per agency was used as it is consistent with most other regions. Estimates are based on existing data. Until program reform is completed through national engagement, INAC will not have information on actual needs.
- **Prevention:** this was based on 2009 EPFA tripartite discussions in Quebec.

Ratios for frontline workers in Manitoba (i.e. Resource/ Development Coordinators, Placement Workers, Foster Care Training and Recruitment Workers, Case Managers and Family Enhancement Workers) were determined in consultation with the provincial government during the course of EPFA discussions.

A (6) generally, how it determined values for off-hour emergency services, staff travel, agency audits, insurance and legal services.

Generally, INAC determined the values for the off-hour emergency services, staff travel, agency audits, insurance and legal services in the following ways:

- **Off-hour emergency services:** the FNCFS Program increased the rate from 5% to 10% of direct service provider costs. Estimates are based on existing data. Until program reform is completed through national engagement, INAC will not have information on actual needs.
- **Audit, insurance, and legal service costs:** This was an FNCFS Program estimate made with the understanding that an increase was needed. Estimates are based on existing data. Until program reform is completed through national engagement, INAC will not have information on actual needs.

- **Legal fees:** The FNCFS Program provides an initial allocation of \$5000 in funding for legal fees and costs as an eligible expense as part of agency operations funding. This funding is not capped. Given the scope and range of legal costs that service providers incur, INAC recognizes the need to address the issue and arrive at more comprehensive criteria for legal cost coverage. This work will require thorough jurisdiction-by-jurisdiction analysis of how best to align federal funding support with current provincial practices that vary across the country. With regard to legal fees for a child specifically, INAC is working on a consistent approach and will discuss with partners. However, until such an approach is developed, if funding pressures associated with legal fees for a child occur within a fiscal year, INAC Regional Offices submit requests to be considered by INAC Headquarters for additional funds to cover these requirements.
- **Staff travel:** the FNCFS Program decided to increase the allocation from \$10,000 to \$11,500 per service provider. Estimates are based on existing data. Until program reform is completed through national engagement, INAC will not have information on actual needs.

(B) The correspondence with the Province of Ontario referred to in its submissions (see paras. 85-87).

Copies of INAC's correspondence with the Province of Ontario are attached as follows:

- The letter referred to in INAC's May 24th Submission at paragraph 32 regarding funding for Band Representatives is attached as **Annex F**. Please note it is incorrectly date-stamped May 9, 2015 and should be stamped May 10, 2016.
- INAC's June 2, 2016 letter referred to at paragraph 44 of Canada's July 6, 2016 submission regarding the flow of immediate relief funding can be found at **Annex G**.
- The response to this letter is attached as **Annex H**.

On September 22, 2016 INAC took part in a meeting between the Chiefs of Ontario and the Province of Ontario to jointly define a plan for the allocation of immediate relief investments. All three parties discussed ways to flow the immediate relief investments as quickly as possible for prevention. A technical working group has been set up to determine the fastest, best mechanism.

INAC INTERNAL USE ONLY
AGENCY NAME:
Member First Nations and 0-18 Population

Mikmaw Family and Children's Services of Nova Scotia

Total number of children serviced by agency **3 720**
Children in care - protection cases **372**
Prevention / Family Enhancement cases **200**
Foster care homes **175**
Number of Bands **13**

Administrative Formula		# of Staff	Salary	Non-Salary	Totals	Fixed	Variable	
						Agency Core	Protection	Prevention / LDM
1 Board of directors	\$50 000			\$50 000	\$50 000	\$50 000		
2 Director	\$77 137	1	\$77 137		\$77 137	\$77 137		
3 Director - Direct Delivery	\$67 819	1	\$67 819		\$67 819		\$49 489	\$18 329
4 HR Staff	\$41 612	1	\$41 612		\$41 612	\$41 612		
5 Secretary/Receptionist	\$35 334	1	\$35 334		\$35 334	\$35 334		
6 Controller	\$61 730	1	\$61 730		\$61 730	\$61 730		
7 Finance support staff	\$35 334	8	\$106 001		\$106 001	\$106 001		
8 Evaluation (Footnote 1)	\$0			\$0	\$0	\$0	\$0	\$0
9 Audit	\$12 000			\$12 000	\$12 000	\$12 000		
10 Insurance	\$34 300			\$34 300	\$34 300	\$34 300		
11 Legal	\$10 000			\$10 000	\$10 000	\$10 000		
Administrative overhead - 15% of								
12 salaries and benefits				\$631 048	\$631 048	\$48 272	\$500 230	\$82 546
13 Benefits - 20% of total salaries			\$701 165		\$701 165	\$64 363	\$447 738	\$189 063
14 Ongoing training	\$130 000			\$130 000	\$130 000	\$14 000	\$82 000	\$34 000
15 Off-Hour emergency service			\$117 192		\$117 192		\$79 780	\$37 412
16 Support staff	\$35 334	10	\$353 335		\$353 335		\$212 001	\$141 334
17 Supervisors	\$65 979	8	\$527 828		\$527 828		\$329 893	\$197 936
Services Formula								
18 Foster care homes - support to foster families	\$55 031	4	\$220 122		\$220 122		\$220 122	
19 Foster care resource workers and home study workers	\$55 031	4	\$220 122		\$220 122		\$220 122	
20 Child care worker - direct delivery	\$55 031	19	\$1 045 582		\$1 045 582		\$1 045 582	
21 Case Aides	\$40 851	2	\$81 703		\$81 703		\$81 703	
21 Family support / prevention - direct delivery	\$55 031	10	\$550 306		\$550 306			\$550 306
22 Purchased Services (1)	\$950 000			\$1 250 000	\$1 250 000		\$200 000	\$1 050 000
23 Travel for service staff	\$460 000			\$490 000	\$490 000	\$10 000	\$350 000	\$130 000
Provincial administrative re- imbursement for CIC of agency					-\$250 000		-\$250 000	
Totals:		65	\$4 206 987	\$2 607 348	\$6 564 335	\$564 749	\$3 568 660	\$2 430 926

(1) Includes \$'s for prevention programming, including family circles and conferencing, and additional family supports.
26 Incremental Adjustment (Line 26 less Line 28)

\$0

2007-2008 Operations Formula with 8.24% Budget 2005			
Agency Core and Protection Least Disruptive Measures / Prevention Funding	New Formula \$3 256 716 \$2 430 926	Adjustment \$0	Adjustment -\$18 383 \$2 430 926

Footnotes:

1) Evaluation funding was obtained through Budget 2005 and will be funded every 3 years in the amount of \$30,600.00 as a fixed amount.

\$0

	Fiscal Year 2014-2015 Actuals				2015-2016 Model Adjustments				
	14/15								
	0-18 pop	14/15 Ops Funding (a)	Maintenance funding (b)	Total Allocation (a+b=c)	Core	Protection	Prevention	Total	Increase
Elsipogtog First Nation	907	\$ 1 512 384	\$ 1 410 000	\$ 2 922 384	\$571 804	\$1 975 706	\$624 226	\$3 171 736	\$ 1 659 352
North Shore	951	\$2 164 424	\$ 1 730 830	\$ 3 895 254	\$571 804	\$2 341 622	\$619 642	\$3 533 068	\$ 1 368 645
St John River	1252	\$1 754 625	\$ 2 907 803	\$ 4 662 428	\$571 804	\$2 552 203	\$924 338	\$4 048 345	\$ 2 293 720
Totals	3110	\$ 5 431 432	\$ 6 048 633	\$ 11 480 066	\$ 1 715 412	\$ 6 869 531	\$ 2 168 206	\$ 10 753 149	\$ 5 321 717

Note: Operations Funding for the Province will be distributed to the two FN agencies, offsetting the total ask.

Numbers provided by Erin Rumbolt 11/6/2015

	Operations	Maintenance	Total
North Shore EEL RIVER FIRST NATION	717 285	282 881	1 000 166
EEL GROUND BAND COUNCIL	463 852	390 435	854 287
EEL RIVER BAR FIRST NATION	295 299	1 157 939	1 453 238
FOUR DIRECTIONS CHILD AND FAMILY SERVICES INC.	687 988	374 025	1 062 013
	\$ 2 164 424	\$ 2 205 280	\$ 3 307 690

St John River MADAWASKA	\$23 424,00		23 424
KINGSCLEAR BAND COUNCIL	\$493 624,97	\$ 740 545	1 234 170
OROMOCTO BAND COUNCIL	\$319 422,13	\$ 674 236	993 658
SAINT MARY'S BAND COUNCIL	\$673 883,51	\$ 1 007 960	1 681 844
WOODSTOCK BAND COUNCIL	\$244 270,46	\$ 389 845	634 115
	\$ 1 754 625	\$ 2 812 586	\$ 4 567 211

Prince Edward Island	Funding Increase @ 60%	Funding Increase @ 70%	Funding Increase @ 80%	Funding Increase @ 100%
MCPEI	\$ 165 233,64	\$ 192 772,58	\$ 220 311,52	\$ 275 389,40
Totals	\$ 165 233,64	\$ 192 772,58	\$ 220 311,52	\$ 275 389,40

Funding Increase		Funding Increase	
Q1/Q2		Q3/Q4	
\$	92 408,76	\$	72 824,88
\$	92 408,76	\$	72 824,88

DRAFT For Discussion

AGENCY NAME: Conseil De La Nation Attikamek-Sipi Child and Family Services

Member First Nations On Reserve Pop.	0-18	Total
77 Wemotaci	610	1 337
78 Les Attikamekw De Manawan	1 016	2 133
Total number of children serviced by agency	1 626	3 470
Children in care based on 6.0%	98	
Prevention - CLSC Model - Total Population	3 470	
Families Requiring Services	43	
5 year average of children in care (Quan T5)	13.93%	
Forecast Provincial Average Salary for 2008-2009 Based upon Salary Grids plus Year over Year Increase for the Last Year of Increase		
Forecast Provincial Front Line Social Worker Average Salary		\$56 502
Forecast Provincial Social Worker Supervisor Average Salary		\$69 340
Professional salary increment per professional for Remote Areas		\$11 727 \$7,536/\$9,320/\$11,727 for Regions 1/2 or 3 respectively
Travel Benefit		\$3 791 Average of \$397,19 for Wemotaci and \$445,36 for Manawan
Forecast Provincial Secretarial Average Salary		\$33 215
Forecast Provincial Clerical Average Salary		\$34 292

Administrative Formula	2008 FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed		
						Agency Core	Protection	Prevention / Least Disruptive Measures
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000		
2 Director	\$80 000	1	\$80 000		\$80 000	\$80 000		
3 HR Staff	\$39 300	1	\$39 300		\$39 300	\$39 300		
4 Secretary/Receptionist	\$33 215	1	\$33 215		\$33 215	\$33 215		
5 Financial support	\$51 000	1	\$51 000		\$51 000	\$51 000		
6 Evaluation (Footnote 1)	\$0			\$0	\$0	\$0	\$0	\$0
7 Audit	\$8 500			\$8 500	\$8 500	\$8 500		
8 Insurance	\$24 000			\$24 000	\$24 000	\$24 000		
9 Legal	\$20 000			\$20 000	\$20 000	\$20 000		
10 Admin overhead (rent, IT etc)	\$251 087			\$251 087	\$251 087	\$45 570	\$111 150	\$94 368
11 Benefits (@20.45%)	\$229 118		\$229 118		\$229 118	\$41 619	\$127 993	\$59 506
Adjustment for Benefits (@26.4%)	\$66 663		\$66 663		\$66 663	\$12 109	\$37 240	\$17 314
Salary Adjustment for Remoteness	\$194 785		\$194 785		\$194 785	\$35 181	\$87 483	\$72 121
Travel Benefit for Remote Areas	\$62 969		\$62 969		\$62 969	\$11 373	\$28 281	\$23 315
12 Ongoing training	\$40 260			\$40 260	\$40 260	\$8 000	\$21 960	\$10 300
13 Off-Hour emergency service	\$28 336		\$28 336		\$28 336		\$13 787	\$14 549
14 Supervisors	\$109 557	1,58	\$109 557		\$109 557		\$67 917	\$41 640
15 Support staff	\$86 416	2,52	\$86 416		\$86 416		\$46 068	\$40 348
Services Formula								
16 Case managers (child intervention)	\$275 730	4,88	\$275 730		\$275 730		\$275 730	
17 Prevention / Least Disruptive Measures	\$290 985	5,15	\$290 985		\$290 985			\$290 985
18 Case Conference Co-ordinator	\$69 340	1,00	\$69 340		\$69 340			\$69 340
19 Foster care trainer / Recruit support / Placement resource	\$56 502	1,00	\$56 502		\$56 502		\$56 502	
20 Service purchase @\$100/child	\$162 600			\$162 600	\$162 600		\$81 300	\$81 300
21 Travel for service staff	\$146 100			\$146 100	\$146 100	\$10 000	\$74 600	\$61 500
Totals:	\$2 376 463	20,13	\$1 673 916	\$702 547	\$2 376 463	\$469 867	\$1 030 011	\$876 586

Total funding at full implementation \$2 376 464

Program Directive 20-1 Chapter 5 \$1 486 087,46

Budget Increase due to Enhanced Prevention Focused Approach \$477 460

Implementation phasing allocation \$1 963 547

Footnotes:

- 1) Evaluation funding was obtained through Budget 2005 and will be funded every 3 years in the amount of \$30,600.00 as a fixed amount.
- 2) Totals may be imprecise due to rounding.

DRAFT For Discussion

AGENCY NAME: Attikamekw d'Opitciwan Child and Family Services

Member First Nations On Reserve Pop.	0-18	Total
79 Attikamekw d'Opitciwan	938	2 138
Total number of children serviced by agency	938	2 138
Children in care based on 6.0%	56	
Prevention - CLSC Model - Total Population	2 138	
Families Requiring Services	26	

Forecast Provincial Average Salary for 2008-2009 Based upon Salary Grids plus Year over Year increase for the Last Year of Increase	
Forecast Provincial Front Line Social Worker Average Salary	\$56 502
Forecast Provincial Social Worker Supervisor Average Salary	\$69 340
Professional salary increment per professional for Remote Areas	\$11 727 \$7,536/\$9,320/\$11,727 for Regions 1/2 or 3 respectively
Travel Benefit	\$6 238
Forecast Provincial Secretarial Average Salary	\$33 215
Forecast Provincial Clerical Average Salary	\$34 292

Administrative Formula	2008 FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed	Variable	
						Agency Core	Protection	Prevention / Least Disruptive Measures
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000		
2 Director	\$80 000	1	\$80 000		\$80 000	\$80 000		
3 HR Staff	\$39 300	1	\$39 300		\$39 300	\$39 300		
4 Secretary/Receptionist	\$33 215	1	\$33 215		\$33 215	\$33 215		
5 Financial support	\$51 000	1	\$51 000		\$51 000	\$51 000		
6 Evaluation (Footnote 1)	\$0			\$0	\$0	\$0	\$0	\$0
7 Audit	\$8 500			\$8 500	\$8 500	\$8 500		
8 Insurance	\$24 000			\$24 000	\$24 000	\$24 000		
9 Legal	\$20 000			\$20 000	\$20 000	\$20 000		
10 Admin overhead (rent, IT etc)	\$205 460			\$205 460	\$205 460	\$46 671	\$75 965	\$82 825
11 Benefits (@20.45%)	\$183 037		\$183 037		\$183 037	\$41 619	\$91 733	\$49 685
Adjustment for Benefits (@26.4%)	\$53 256		\$53 256		\$53 256	\$12 109	\$25 691	\$14 456
Salary Adjustment for Remoteness	\$155 617		\$155 617		\$155 617	\$35 181	\$55 283	\$62 153
Travel Benefit for Remote Areas	\$82 778		\$82 778		\$82 778	\$18 714	\$31 003	\$33 061
12 Ongoing training	\$32 240			\$32 240	\$32 240	\$8 000	\$15 640	\$8 600
13 Off-Hour emergency service	\$20 087		\$20 087		\$20 087		\$7 939	\$12 148
14 Supervisors	\$80 434	1,16	\$80 434		\$80 434		\$45 708	\$34 726
15 Support staff	\$63 440	1,85	\$63 440		\$63 440		\$29 804	\$33 636
Services Formula								
16 Case managers (child intervention)	\$158 771	2,81	\$158 771		\$158 771		\$158 771	
17 Prevention / Least Disruptive Measures	\$242 959	4,30	\$242 959		\$242 959			\$242 959
18 Case Conference Co-ordinator	\$69 340	1,00	\$69 340		\$69 340			\$69 340
19 Foster care trainer / Recruit support / Placement resource	\$56 502	1,00	\$56 502		\$56 502		\$56 502	
20 Service purchase @\$100/child	\$93 800			\$93 800	\$93 800		\$46 900	\$46 900
21 Travel for service staff	\$112 700			\$112 700	\$112 700	\$10 000	\$49 700	\$53 000
Totals:	\$1 916 436	16,12	\$1 369 736	\$546 700	\$1 916 436	\$478 309	\$694 639	\$743 489
						Total	\$1 916 437	

Program Directive 20-1 Chapter 5

\$949 877

Reallocated amount

\$199 012

Total allocation to the agency

\$1 717 425

Footnotes:

- 1) Evaluation funding was obtained through Budget 2005 and will be funded every 3 years in the amount of \$30,600.00 as a fixed amount.
2) Totals may be imprecise due to rounding.

DRAFT For Discussion

AGENCY NAME: Betsiamites Child and Family Services

Member First Nations On Reserve Pop.	<u>0-18</u>	<u>Total</u>
85 Betsiamites	936	2 877
Total number of children serviced by agency	936	2 877
Children in care based on 6.0%	56	
Prevention - CLSC Model - Total Population	2 877	
Families Requiring Services	5	

Forecast Provincial Average Salary for 2008-2009 Based upon Salary Grids plus Year over Year increase for the Last Year of Increase

Forecast Provincial Front Line Social Worker Average Salary	\$56 502
Forecast Provincial Social Worker Supervisor Average Salary	\$69 340
Professional salary Increment per professional for Remote Areas	\$7 536 \$7,536/\$9,320/\$11,727 for Regions 1/2 or 3 respectively
Travel Benefit	\$0
Forecast Provincial Secretarial Average Salary	\$33 215
Forecast Provincial Clerical Average Salary	\$34 292

Administrative Formula	2008 FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed			Prevention / Least Disruptive Measures
						Agency Core	Variable	Protection	
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000			
2 Director	\$80 000	1	\$80 000		\$80 000	\$80 000			
3 HR Staff	\$39 300	1	\$39 300		\$39 300	\$39 300			
4 Secretary/Receptionist	\$33 215	1	\$33 215		\$33 215	\$33 215			
5 Financial support	\$51 000	1	\$51 000		\$51 000	\$51 000			
6 Evaluation (Footnote 1)	\$0			\$0	\$0	\$0		\$0	\$0
7 Audit	\$8 500			\$8 500	\$8 500	\$8 500			
8 Insurance	\$24 000			\$24 000	\$24 000	\$24 000			
9 Legal	\$20 000			\$20 000	\$20 000	\$20 000			
10 Admin overhead (rent, IT etc)	\$168 002			\$168 002	\$168 002	\$41 978		\$66 875	\$59 149
11 Benefits (@20.45%)	\$166 488		\$166 488		\$166 488	\$41 619		\$87 317	\$37 553
Adjustment for Benefits (@26.4%)	\$48 440		\$48 440		\$48 440	\$12 109		\$25 405	\$10 926
Salary Adjustment for Remoteness	\$90 960		\$90 960		\$90 960	\$22 608		\$36 324	\$32 028
Travel Benefit for Remote Areas	\$0		\$0		\$0	\$0		\$0	\$0
12 Ongoing training	\$29 360			\$29 360	\$29 360	\$8 000		\$14 860	\$6 500
13 Off-Hour emergency service	\$17 120		\$17 120		\$17 120			\$7 939	\$9 182
14 Supervisors	\$70 033	1,01	\$70 033		\$70 033			\$43 781	\$26 252
15 Support staff	\$55 210	1,61	\$55 210		\$55 210			\$29 795	\$25 415
Services Formula									
16 Case managers (child intervention)	\$158 771	2,81	\$158 771		\$158 771			\$158 771	
17 Prevention / Least Disruptive Measures	\$183 632	3,25	\$183 632		\$183 632				\$183 632
18 Case Conference Co-ordinator	\$69 340	1,00	\$69 340		\$69 340				\$69 340
19 Foster care trainer / Recruit support / Placement resource	\$56 502	1,00	\$56 502		\$56 502			\$56 502	
20 Service purchase @\$100/child	\$93 600			\$93 600	\$93 600			\$46 800	\$46 800
21 Travel for service staff	\$100 700			\$100 700	\$100 700	\$10 000		\$48 200	\$42 500
Totals:	\$1 614 173	14,68	\$1 120 011	\$494 162	\$1 614 173	\$442 329		\$622 569	\$549 277

Total \$1 614 175

Program Directive 20-1 Chapter 5

\$910 542,53

Reallocated amount

\$112 281

Total allocation to the agency

\$1 501 894

Footnotes:

- 1) Evaluation funding was obtained through Budget 2005 and will be funded every 3 years in the amount of \$30,600.00 as a fixed amount.
2) Totals may be imprecise due to rounding.

DRAFT For Discussion

AGENCY NAME: Conseil Montagnais Essipit Child and Family Services

Member First Nations On Reserve Pop.	<u>0-18</u>	<u>Total</u>
86 Innue Essipit	28	176
Total number of children serviced by agency	28	176
Children in care based on 6.0%	2	
Prevention - CLSC Model - Total Population	176	
Families Requiring Services	0	

Forecast Provincial Average Salary for 2008-2009 Based upon Salary Grids plus Year over Year increase for the Last Year of Increase
 Forecast Provincial Front Line Social Worker Average Salary \$56 502
 Forecast Provincial Social Worker Supervisor Average Salary \$69 340
 Professional salary increment per professional for Remote Areas \$7 536 \$7,536/\$9,320/\$11,727 for Regions 1/2 or 3 respectively
 Travel Benefit \$0
 Forecast Provincial Secretarial Average Salary \$33 215
 Forecast Provincial Clerical Average Salary \$34 292

Administrative Formula	2008 FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed			Prevention / Least Disruptive Measures
						Agency Core	Variable	Protection	
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000			
2 Director	\$80 000	1	\$80 000		\$80 000	\$80 000			
3 HR Staff	\$39 300	1	\$39 300		\$39 300	\$39 300			
4 Secretary/Receptionist	\$33 215	1	\$33 215		\$33 215	\$33 215			
5 Financial support	\$51 000	1	\$51 000		\$51 000	\$51 000			
6 Evaluation (Footnote 1)	\$0			\$0	\$0	\$0	\$0	\$0	\$0
7 Audit	\$8 500			\$8 500	\$8 500	\$8 500			
8 Insurance	\$24 000			\$24 000	\$24 000	\$24 000			
9 Legal	\$20 000			\$20 000	\$20 000	\$20 000			
10 Admin overhead (rent, IT etc)	\$73 391			\$73 391	\$73 391	\$41 978	\$5 251		\$26 162
11 Benefits (@20.45%)	\$72 782		\$72 782		\$72 782	\$41 619	\$19 608		\$11 555
Adjustment for Benefits (@26.4%)	\$21 176		\$21 176		\$21 176	\$12 109	\$5 706		\$3 362
Salary Adjustment for Remoteness	\$39 413		\$39 413		\$39 413	\$22 808	\$1 733		\$15 072
Travel Benefit for Remote Areas	\$0		\$0		\$0	\$0	\$0		\$0
12 Ongoing training	\$12 960			\$12 960	\$12 960	\$8 000	\$2 960		\$2 000
13 Off-Hour emergency service	\$3 051		\$3 051		\$3 051		\$226		\$2 825
14 Supervisors	\$10 401	0,15	\$10 401		\$10 401		\$2 581		\$7 820
15 Support staff	\$8 573	0,25	\$8 573		\$8 573		\$635		\$7 938
Services Formula									
16 Case managers (child intervention)	\$4 520	0,08	\$4 520		\$4 520		\$4 520		
17 Prevention / Least Disruptive Measures	\$56 502	1,00	\$56 502		\$56 502				\$56 502
18 Case Conference Co-ordinator	\$69 340	1,00	\$69 340		\$69 340				\$69 340
19 Foster care trainer / Recruit support / Placement resource	\$0	0,00	\$0		\$0		\$0		
20 Service purchase @\$100/child	\$2 800			\$2 800	\$2 800		\$1 400		\$1 400
21 Travel for service staff	\$32 300			\$32 300	\$32 300	\$10 000	\$2 300		\$20 000
Totals:	\$713 224	n/a	\$489 273	\$223 951	\$713 224	\$442 329	\$46 920		\$223 976

Total \$713 225

Adjustment for Scale \$61 926
 Adjustment for Scale Total \$46 920 \$223 976
\$332 822

Program Directive 20-1 Chapter 5 \$35 373,06

Reallocated amount \$25 981,97

Total allocation to the agency \$306 840

Footnotes:

- 1) Evaluation funding was obtained through Budget 2005 and will be funded every 3 years in the amount of \$30,600.00 as a fixed amount.
- 2) Totals may be imprecise due to rounding.
- 3) n/a - Staff Total is not valid for agencies serving less than 800 children as the formula is subject to Adjustment for Scale.

DRAFT For Discussion

AGENCY NAME:

Gesgapegiag Child and Family Services

Member First Nations On Reserve Pop.	<u>0-18</u>	<u>Total</u>
52 Micmacs of Gesgapegiag	234	625
Total number of children serviced by agency	234	625
Children in care based on 6.0%	14	
Prevention - CLSC Model - Total Population	625	
Families Requiring Services	3	

Forecast Provincial Average Salary for 2008-2009 Based upon Salary Grids plus Year over Year increase for the Last Year of Increase

Forecast Provincial Front Line Social Worker Average Salary	\$56 502
Forecast Provincial Social Worker Supervisor Average Salary	\$69 340
Professional salary Increment per professional for Remote Areas	\$0 \$7,536/\$9,320/\$11,727 for Regions 1/2 or 3 respectively
Travel Benefit	\$0
Forecast Provincial Secretarial Average Salary	\$33 215
Forecast Provincial Clerical Average Salary	\$34 292

Administrative Formula	2008 FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed			Prevention / Least Disruptive Measures
						Agency Core	Variable	Protection	
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000			
2 Director	\$80 000	1	\$80 000		\$80 000	\$80 000			
3 HR Staff	\$39 300	1	\$39 300		\$39 300	\$39 300			
4 Secretary/Receptionist	\$33 215	1	\$33 215		\$33 215	\$33 215			
5 Financial support	\$51 000	1	\$51 000		\$51 000	\$51 000			
6 Evaluation (Footnote 1)	\$0			\$0	\$0	\$0	\$0	\$0	\$0
7 Audit	\$8 500			\$8 500	\$8 500	\$8 500			
8 Insurance	\$24 000			\$24 000	\$24 000	\$24 000			
9 Legal	\$20 000			\$20 000	\$20 000	\$20 000			
10 Admin overhead (rent, IT etc)	\$94 934			\$94 934	\$94 934	\$38 586	\$16 885		\$39 462
11 Benefits (@20.45%)	\$102 395		\$102 395		\$102 395	\$41 619	\$35 933		\$24 842
Adjustment for Benefits (@26.4%)	\$29 792		\$29 792		\$29 792	\$12 109	\$10 455		\$7 228
Salary Adjustment for Remoteness	\$0		\$0		\$0	\$0	\$0		\$0
Travel Benefit for Remote Areas	\$0		\$0		\$0	\$0	\$0		\$0
12 Ongoing training	\$18 124			\$18 124	\$18 124	\$8 000	\$5 824		\$4 300
13 Off-Hour emergency service	\$8 052		\$8 052		\$8 052		\$1 978		\$8 074
14 Supervisors	\$29 123	0.42	\$29 123		\$29 123		\$11 931		\$17 192
15 Support staff	\$23 319	0.68	\$23 319		\$23 319		\$6 393		\$16 926
Services Formula									
16 Case managers (child intervention)	\$39 551	0.70	\$39 551		\$39 551		\$39 551		
17 Prevention / Least Disruptive Measures	\$121 479	2.15	\$121 479		\$121 479				\$121 479
18 Case Conference Co-ordinator	\$69 340	1.00	\$69 340		\$69 340				\$69 340
19 Foster care trainer / Recruit support / Placement resource	\$6 328	0.112	\$6 328		\$6 328		\$6 328		
20 Service purchase @\$100/child	\$23 400			\$23 400	\$23 400		\$11 700		\$11 700
21 Travel for service staff	\$53 820			\$53 820	\$53 820	\$10 000	\$12 320		\$31 500
Totals:	\$925 672	n/a	\$632 884	\$292 778	\$925 672	\$416 329	\$159 298		\$350 043

Total \$925 670

Adjustment for Scale

\$111 326

\$159 298

\$350 043

Adjustment for Scale Total

\$620 667

Program Directive 20-1 Chapter 5

\$198 769,71

Reallocated amount

\$49 848

Total allocation to the agency

\$570 819

Footnotes:

1) Evaluation funding was obtained through Budget 2005 and will be funded every 3 years in the amount of \$30,600.00 as a fixed amount.

2) Totals may be imprecise due to rounding.

3) n/a - Staff Total is not valid for agencies serving less than 800 children as the formula is subject to Adjustment for Scale.

DRAFT For Discussion

AGENCY NAME: Grand Conseil Wabanaki Child and Family Services

Member First Nations On Reserve Pop.	<u>0-18</u>	<u>Total</u>
71 Abenakis De Wolinak	11	69
72 Odanak	63	309
Total number of children serviced by agency	74	378
Children in care based on 6.0%	4	
Prevention - CLSC Model - Total Population	378	
Families Requiring Services	0	

Forecast Provincial Average Salary for 2008-2009 Based upon Salary Grids plus Year over Year Increase for the Last Year of Increase

Forecast Provincial Front Line Social Worker Average Salary \$56 502

Forecast Provincial Social Worker Supervisor Average Salary \$69 340

Professional salary increment per professional for Remote Areas \$0 \$7,536/\$9,320/\$11,727 for Regions 1/2 or 3 respectively

Travel Benefit \$0

Forecast Provincial Secretarial Average Salary \$33 215

Forecast Provincial Clerical Average Salary \$34 292

Administrative Formula	2008 FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed		Variable	
						Agency Core	Protection	Prevention / Least Disruptive Measures	
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000			
2 Director	\$80 000	1	\$80 000		\$80 000	\$80 000			
3 HR Staff	\$39 300	1	\$39 300		\$39 300	\$39 300			
4 Secretary/Receptionist	\$33 215	1	\$33 215		\$33 215	\$33 215			
5 Financial support	\$51 000	1	\$51 000		\$51 000	\$51 000			
6 Evaluation (Footnote 1)	\$0			\$0	\$0	\$0	\$0	\$0	
7 Audit	\$8 500			\$8 500	\$8 500	\$8 500			
8 Insurance	\$24 000			\$24 000	\$24 000	\$24 000			
9 Legal	\$20 000			\$20 000	\$20 000	\$20 000			
10 Admin overhead (rent, IT etc)	\$84 228			\$84 228	\$84 228	\$38 586	\$8 165		\$37 476
11 Benefits (@20.45%)	\$90 847		\$90 847		\$90 847	\$41 619	\$26 119		\$23 109
Adjustment for Benefits (@26.4%)	\$26 432		\$26 432		\$26 432	\$12 109	\$7 599		\$6 724
Salary Adjustment for Remoteness	\$0		\$0		\$0	\$0	\$0		\$0
Travel Benefit for Remote Areas	\$0		\$0		\$0	\$0	\$0		\$0
12 Ongoing training	\$16 100			\$16 100	\$16 100	\$8 000	\$4 100		\$4 000
13 Off-Hour emergency service	\$6 272		\$6 272		\$6 272		\$622		\$5 650
14 Supervisors	\$22 189	0,32	\$22 189		\$22 189		\$5 933		\$16 256
15 Support staff	\$17 489	0,51	\$17 489		\$17 489		\$1 733		\$15 756
Services Formula									
16 Case managers (child intervention)	\$12 430	0,22	\$12 430		\$12 430		\$12 430		
17 Prevention / Least Disruptive Measures	\$113 004	2,00	\$113 004		\$113 004				\$113 004
18 Case Conference Co-ordinator	\$69 340	1,00	\$69 340		\$69 340				\$69 340
19 Foster care trainer / Recruit support / Placement resource	\$0	0,00	\$0		\$0		\$0		
20 Service purchase @\$100/child	\$7 400			\$7 400	\$7 400		\$3 700		\$3 700
21 Travel for service staff	\$45 400			\$45 400	\$45 400	\$10 000	\$5 400		\$30 000
Totals:	\$817 146	n/a	\$561 518	\$255 628	\$817 146	\$416 329	\$75 801		\$325 015
						Total			\$817 145
Adjustment for Scale						\$58 286	\$75 801		\$325 015
Adjustment for Scale Total									\$459 102
Program Directive 20-1 Chapter 5									\$84 223,79
Reallocated amount									\$50 022,00
Total allocation to the agency									\$409 080

Footnotes:

1) Evaluation funding was obtained through Budget 2005 and will be funded every 3 years in the amount of \$30,600.00 as a fixed amount.

2) Totals may be imprecise due to rounding.

3) n/a - Staff Total is not valid for agencies serving less than 800 children as the formula is subject to Adjustment for Scale.

DRAFT For Discussion

AGENCY NAME: Nation Huronne-Wendat Child and Family Services

Member First Nations On Reserve Pop.	<u>0-18</u>	<u>Total</u>
50 Nation Huronne-Wendat	329	1,341
Total number of children serviced by agency	329	1,341
Children in care based on 6.0%	20	
Prevention - CLSC Model - Total Population	1,341	
Families Requiring Services	0	

#NAME?

Forecast Provincial Average Salary for 2008-2009 Based upon Salary Grids plus Year over Year increase for the Last Year of Increase	
Forecast Provincial Front Line Social Worker Average Salary	\$56 502
Forecast Provincial Social Worker Supervisor Average Salary	\$69 340
Professional salary increment per professional for Remote Areas	\$0 \$7,536/\$9,320/\$11,727 for Regions 1/2 or 3 respectively
Travel Benefit	\$0
Forecast Provincial Secretarial Average Salary	\$33 215
Forecast Provincial Clerical Average Salary	\$34 292

Administrative Formula	2008 FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed			Prevention / Least Disruptive Measures
						Agency Core	Protection		
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000			
2 Director	\$80 000	1	\$80 000		\$80 000	\$80 000			
3 HR Staff	\$39 300	1	\$39 300		\$39 300	\$39 300			
4 Secretary/Receptionist	\$33 215	1	\$33 215		\$33 215	\$33 215			
5 Financial support	\$51 000	1	\$51 000		\$51 000	\$51 000			
6 Evaluation (Footnote 1)	\$0			\$0	\$0	\$0	\$0		\$0
7 Audit	\$8 500			\$8 500	\$8 500	\$8 500			
8 Insurance	\$24 000			\$24 000	\$24 000	\$24 000			
9 Legal	\$20 000			\$20 000	\$20 000	\$20 000			
10 Admin overhead (rent, IT etc)	\$99 010			\$99 010	\$99 010	\$38 586	\$23 009		\$37 415
11 Benefits (@20.45%)	\$106 791		\$106 791		\$106 791	\$41 619	\$42 063		\$23 109
Adjustment for Benefits (@26.4%)	\$31 071		\$31 071		\$31 071	\$12 109	\$12 238		\$6 724
Salary Adjustment for Remoteness	\$0		\$0		\$0	\$0	\$0		\$0
Travel Benefit for Remote Areas	\$0		\$0		\$0	\$0	\$0		\$0
12 Ongoing training	\$18 900			\$18 900	\$18 900	\$8 000	\$6 900		\$4 000
13 Off-Hour emergency service	\$8 447		\$8 447		\$8 447		\$2 797		\$5 650
14 Supervisors	\$31 896	0.46	\$31 896		\$31 896		\$15 908		\$15 988
15 Support staff	\$25 376	0.74	\$25 376		\$25 376		\$9 760		\$15 616
Services Formula									
16 Case managers (child intervention)	\$55 937	0.99	\$55 937		\$55 937		\$55 937		
17 Prevention / Least Disruptive Measures	\$113 004	2.00	\$113 004		\$113 004				\$113 004
18 Case Conference Co-ordinator	\$69 340	1.00	\$69 340		\$69 340				\$69 340
19 Foster care trainer / Recruit support / Placement resource	\$14 691	0.260	\$14 691		\$14 691		\$14 691		
20 Service purchase @\$100/child	\$32 900			\$32 900	\$32 900		\$16 450		\$16 450
21 Travel for service staff	\$57 100			\$57 100	\$57 100	\$10 000	\$17 100		\$30 000
Totals:	\$970 478	n/a	\$660 068	\$310 410	\$970 478	\$416 329	\$216 853		\$337 296

Total \$970 478

Adjustment for Scale \$164 370
Adjustment for Scale Total \$718 519

Program Directive 20-1 Chapter 5 \$312 860.65

Reallocated amount \$45 634.00

Total allocation to the agency \$672 885

Footnotes:

- 1) Evaluation funding was obtained through Budget 2005 and will be funded every 3 years in the amount of \$30,600.00 as a fixed amount.
- 2) Totals may be imprecise due to rounding.
- 3) n/a - Staff Total is not valid for agencies serving less than 800 children as the formula is subject to Adjustment for Scale.

DRAFT For Discussion

AGENCY NAME: Kahnawake Child and Family Services

Member First Nations On Reserve Pop. **0-18** **Total**
70 Kahnawake **1 744** **7 563**
Total number of children serviced by agency **1 744** **7 563**
Children in care based on 6.0% **105**
Prevention - CLSC Model - Total Population **7 563**
Families Requiring Services **0**

#NAME?

Forecast Provincial Average Salary for 2008-2009 Based upon Salary Grids plus Year over Year Increase for the Last Year of Increase

Forecast Provincial Front Line Social Worker Average Salary \$56 502

Forecast Provincial Social Worker Supervisor Average Salary \$69 340

Professional salary Increment per professional for Remote Areas \$0 \$7,536/\$9,320/\$11,727 for Regions 1/2 or 3 respectively

Travel Benefit \$0

Forecast Provincial Secretarial Average Salary \$33 215

Forecast Provincial Clerical Average Salary \$34 292

Administrative Formula	2008 FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed		
						Agency Core	Protection	Prevention / Least Disruptive Measures
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000		
2 Director	\$80 000	1	\$80 000		\$80 000	\$80 000		
3 HR Staff	\$39 300	1	\$39 300		\$39 300	\$39 300		
4 Secretary/Receptionist	\$33 215	1	\$33 215		\$33 215	\$33 215		
5 Financial support	\$51 000	1	\$51 000		\$51 000	\$51 000		
6 Evaluation (Footnote 1)	\$0			\$0	\$0	\$0	\$0	\$0
7 Audit	\$8 500			\$8 500	\$8 500	\$8 500		
8 Insurance	\$24 000			\$24 000	\$24 000	\$24 000		
9 Legal	\$20 000			\$20 000	\$20 000	\$20 000		
10 Admin overhead (rent, IT etc)	\$186 093			\$186 093	\$186 093	\$38 586	\$96 536	\$50 970
11 Benefits (@20.45%)	\$200 718		\$200 718		\$200 718	\$41 619	\$124 435	\$34 664
Adjustment for Benefits (@26.4%)	\$58 399		\$58 399		\$58 399	\$12 109	\$36 205	\$10 086
Salary Adjustment for Remoteness	\$0		\$0		\$0	\$0	\$0	\$0
Travel Benefit for Remote Areas	\$0		\$0		\$0	\$0	\$0	\$0
12 Ongoing training	\$35 320			\$35 320	\$35 320	\$8 000	\$21 320	\$6 000
13 Off-Hour emergency service	\$23 251		\$23 251		\$23 251		\$14 775	\$8 475
14 Supervisors	\$91 529	1,32	\$91 529		\$91 529		\$67 315	\$24 214
15 Support staff	\$72 356	2,11	\$72 356		\$72 356		\$48 838	\$23 518
Services Formula								
16 Case managers (child intervention)	\$295 505	5,23	\$295 505		\$295 505		\$295 505	
17 Prevention / Least Disruptive Measures	\$169 506	3,00	\$169 506		\$169 506			\$169 506
18 Case Conference Co-ordinator	\$69 340	1,00	\$69 340		\$69 340			\$69 340
19 Foster care trainer / Recruit support / Placement resource	\$56 502	1,00	\$56 502		\$56 502		\$56 502	
20 Service purchase @\$100/child	\$174 400			\$174 400	\$174 400		\$67 200	\$87 200
21 Travel for service staff	\$125 500			\$125 500	\$125 500	\$10 000	\$75 500	\$40 000
Totals:	\$1 864 434	17,66	\$1 240 621	\$623 813	\$1 864 434	\$416 329	\$924 131	\$523 973

Total \$1 864 433

Program Directive 20-1 Chapter 5

\$1 551 438,11

Reallocated amount

\$221 454,55

Total allocation to the agency

\$1 642 978

Footnotes:

1) Evaluation funding was obtained through Budget 2005 and will be funded every 3 years in the amount of \$30,600.00 as a fixed amount.

2) Totals may be imprecise due to rounding.

3) n/a - Staff Total is not valid for agencies serving less than 800 children as the formula is subject to Adjustment for Scale.

DRAFT For Discussion

AGENCY NAME: Kitigan Zibi Amishnabeg Child and Family Services
Member First Nations On Reserve Pop. 0-18 **Total**
 73 Kitigan Zibi Amishnabeg 442 1 561
Total number of children serviced by agency 442 1 561
Children in care based on 6.0% 27
Prevention - CLSC Model - Total Population 1 561
Families Requiring Services 0 **#NAME?**

Forecast Provincial Average Salary for 2008-2009 Based upon Salary Grids plus Year over Year Increase for the Last Year of Increase
Forecast Provincial Front Line Social Worker Average Salary \$56 502
Forecast Provincial Social Worker Supervisor Average Salary \$69 340
Professional salary increment per professional for Remote Areas \$0 \$7,536/\$9,320/\$11,727 for Regions 1/2 or 3 respectively
Travel Benefit \$0
Forecast Provincial Secretarial Average Salary \$33 215
Forecast Provincial Clerical Average Salary \$34 292

Administrative Formula	2008 FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed			Prevention / Least Disruptive Measures
						Agency Core	Variable	Protection	
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000			
2 Director	\$80 000	1	\$80 000		\$80 000	\$80 000			
3 HR Staff	\$39 300	1	\$39 300		\$39 300	\$39 300			
4 Secretary/Receptionist	\$33 215	1	\$33 215		\$33 215	\$33 215			
5 Financial support	\$51 000	1	\$51 000		\$51 000	\$51 000			
6 Evaluation (Footnote 1)	\$0			\$0	\$0	\$0		\$0	\$0
7 Audit	\$8 500			\$8 500	\$8 500	\$8 500			
8 Insurance	\$24 000			\$24 000	\$24 000	\$24 000			
9 Legal	\$20 000			\$20 000	\$20 000	\$20 000			
10 Admin overhead (rent, IT etc)	\$107 110			\$107 110	\$107 110	\$38 586	\$31 102		\$37 421
11 Benefits (@20.45%)	\$115 528		\$115 528		\$115 528	\$41 619	\$50 799		\$23 109
Adjustment for Benefits (@26.4%)	\$33 613		\$33 613		\$33 613	\$12 109	\$14 781		\$6 724
Salary Adjustment for Remoteness	\$0		\$0		\$0	\$0	\$0		\$0
Travel Benefit for Remote Areas	\$0		\$0		\$0	\$0	\$0		\$0
12 Ongoing training	\$20 444			\$20 444	\$20 444	\$8 000	\$8 444		\$4 000
13 Off-Hour emergency service	\$9 408		\$9 408		\$9 408		\$3 757		\$5 650
14 Supervisors	\$37 444	0,54	\$37 444		\$37 444		\$21 449		\$15 995
15 Support staff	\$29 834	0,87	\$29 834		\$29 834		\$14 181		\$15 653
Services Formula									
16 Case managers (child intervention)	\$75 148	1,33	\$75 148		\$75 148		\$75 148		
17 Prevention / Least Disruptive Measures	\$113 004	2,00	\$113 004		\$113 004				\$113 004
18 Case Conference Co-ordinator	\$69 340	1,00	\$69 340		\$69 340				\$69 340
19 Foster care trainer / Recruit support / Placement resource	\$27 234	0,482	\$27 234		\$27 234		\$27 234		
20 Service purchase @ \$100/child	\$44 200			\$44 200	\$44 200		\$22 100		\$22 100
21 Travel for service staff	\$63 520			\$63 520	\$63 520	\$10 000	\$23 520		\$30 000
Totals:	\$1 051 842	n/a	\$714 068	\$337 774	\$1 051 842	\$416 329	\$292 515		\$342 996

Total \$1 051 840

Adjustment for Scale \$217 419
Adjustment for Scale Total \$292 515 \$342 996
\$852 930

Program Directive 20-1 Chapter 5 \$402 490,85

Reallocated amount \$113 410,00

Total allocation to the agency \$739 520

Footnotes:

- 1) Evaluation funding was obtained through Budget 2005 and will be funded every 3 years in the amount of \$30,600.00 as a fixed amount.
- 2) Totals may be imprecise due to rounding.
- 3) n/a - Staff Total is not valid for agencies serving less than 800 children as the formula is subject to Adjustment for Scale.

DRAFT For Discussion

AGENCY NAME: Montagnais Du Lac St. Jean Child and Family Services

Member First Nations On Reserve Pop.	<u>0-18</u>	<u>Total</u>
76 Mashteuiasth	642	2 038
Total number of children serviced by agency	642	2 038
Children in care based on 6.0%	39	
Prevention - CLSC Model - Total Population	2 038	
Families Requiring Services	25	

Forecast Provincial Average Salary for 2008-2009 Based upon Salary Grids plus Year over Year Increase for the Last Year of Increase

Forecast Provincial Front Line Social Worker Average Salary	\$56 502
Forecast Provincial Social Worker Supervisor Average Salary	\$69 340
Professional salary increment per professional for Remote Areas	\$0 \$7,536/\$9,320/\$11,727 for Regions 1/2 or 3 respectively
Travel Benefit	\$0
Forecast Provincial Secretarial Average Salary	\$33 215
Forecast Provincial Clerical Average Salary	\$34 292

Administrative Formula	2008 FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed			Prevention / Least Disruptive Measures
						Agency Core	Variable Protection		
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000			
2 Director	\$80 000	1	\$80 000		\$80 000	\$80 000			
3 HR Staff	\$39 300	1	\$39 300		\$39 300	\$39 300			
4 Secretary/Receptionist	\$33 215	1	\$33 215		\$33 215	\$33 215			
5 Financial support	\$51 000	1	\$51 000		\$51 000	\$51 000			
6 Evaluation (Footnote 1)	\$0			\$0	\$0	\$0	\$0		\$0
7 Audit	\$8 500			\$8 500	\$8 500	\$8 500			
8 Insurance	\$24 000			\$24 000	\$24 000	\$24 000			
9 Legal	\$20 000			\$20 000	\$20 000	\$20 000			
10 Admin overhead (rent, IT etc)	\$152 937			\$152 937	\$152 937	\$38 586	\$46 503		\$67 847
11 Benefits (@20.45%)	\$164 955		\$164 955		\$164 955	\$41 619	\$74 229		\$49 107
Adjustment for Benefits (@26.4%)	\$47 995		\$47 995		\$47 995	\$12 109	\$21 597		\$14 288
Salary Adjustment for Remoteness	\$0		\$0		\$0	\$0	\$0		\$0
Travel Benefit for Remote Areas	\$0		\$0		\$0	\$0	\$0		\$0
12 Ongoing training	\$29 076			\$29 076	\$29 076	\$8 000	\$12 576		\$8 500
13 Off-Hour emergency service	\$17 459		\$17 459		\$17 459		\$5 452		\$12 007
14 Supervisors	\$68 647	0.99	\$68 647		\$68 647		\$34 516		\$34 131
15 Support staff	\$54 524	1.59	\$54 524		\$54 524		\$21 220		\$33 304
Services Formula									
16 Case managers (child intervention)	\$109 049	1.93	\$109 049		\$109 049		\$109 049		
17 Prevention / Least Disruptive Measures	\$240 134	4.25	\$240 134		\$240 134				\$240 134
18 Case Conference Co-ordinator	\$69 340	1.00	\$69 340		\$69 340				\$69 340
19 Foster care trainer / Recruit support / Placement resource	\$43 959	0.778	\$43 959		\$43 959		\$43 959		
20 Service purchase @\$100/child	\$64 200			\$64 200	\$64 200		\$32 100		\$32 100
21 Travel for service staff	\$99 480			\$99 480	\$99 480	\$10 000	\$36 980		\$52 500
Totals:	\$1 467 770	n/a	\$1 019 577	\$448 193	\$1 467 770	\$416 329	\$438 181		\$613 258

Total \$1 467 768

Adjustment for Scale \$323 502 \$438 181 \$613 258
Adjustment for Scale Total \$1 374 941

Program Directive 20-1 Chapter 5 \$599 867.83

Reallocated amount \$144 066.00

Total allocation to the agency \$1 230 875

Footnotes:

- 1) Evaluation funding was obtained through Budget 2005 and will be funded every 3 years in the amount of \$30,600.00 as a fixed amount.
- 2) Totals may be imprecise due to rounding.
- 3) n/a - Staff Total is not valid for agencies serving less than 800 children as the formula is subject to Adjustment for Scale.

DRAFT For Discussion

AGENCY NAME: Regroupement Mamit Innuat Child and Family Services

Member First Nations On Reserve Pop.	0-18	Total
82 Ekuanitshit	219	532
84 Unamen Shipu	381	1 038
88 Montagnais De Pakua Shipi	134	320
Total number of children serviced by agency	734	1 890
Children in care based on 6.0%	44	
Prevention - CLSC Model - Total Population	1 890	
Families Requiring Services	42	

Forecast Provincial Average Salary for 2008-2009 Based upon Salary Grids plus Year over Year increase for the Last Year of Increase
Forecast Provincial Front Line Social Worker Average Salary \$56 502
Forecast Provincial Social Worker Supervisor Average Salary \$69 340
Professional salary increment per professional for Remote Areas \$11 727 \$7,536/\$9,320/\$11,727 for Regions 1/2 or 3 respectively
Travel Benefit \$11 833 Average of Ekuanitshit \$867, Unamen Shipu \$1,500, and Pakuashipi \$1,500.
Forecast Provincial Secretarial Average Salary \$33 215
Forecast Provincial Clerical Average Salary \$34 292

Administrative Formula	2008 FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed			Variable	
						Agency Core	Protection	Prevention / Least Disruptive Measures		
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000				
2 Director	\$80 000	1	\$80 000		\$80 000	\$80 000				
3 HR Staff	\$39 300	1	\$39 300		\$39 300	\$39 300				
4 Secretary/Receptionist	\$33 215	1	\$33 215		\$33 215	\$33 215				
5 Financial support	\$51 000	1	\$51 000		\$51 000	\$51 000				
6 Evaluation (Footnote 1)	\$0			\$0	\$0	\$0	\$0		\$0	\$0
7 Audit	\$8 500			\$8 500	\$8 500	\$8 500				
8 Insurance	\$24 000			\$24 000	\$24 000	\$24 000				
9 Legal	\$20 000			\$20 000	\$20 000	\$20 000				
10 Admin overhead (rent, IT etc)	\$198 749			\$198 749	\$198 749	\$49 188	\$65 717		\$83 844	
11 Benefits (@20.45%)	\$167 972		\$167 972		\$167 972	\$41 619	\$78 979		\$47 374	
Adjustment for Benefits (@26.4%)	\$48 872		\$48 872		\$48 872	\$12 109	\$22 979		\$13 784	
Salary Adjustment for Remoteness	\$142 741		\$142 741		\$142 741	\$35 181	\$47 752		\$59 808	
Travel Benefit for Remote Areas	\$144 031		\$144 031		\$144 031	\$35 499	\$48 184		\$60 348	
12 Ongoing training	\$29 604			\$29 604	\$29 604	\$8 000	\$13 404		\$8 200	
13 Off-Hour emergency service	\$17 798		\$17 798		\$17 798		\$6 215		\$11 583	
14 Supervisors	\$70 727	1,02	\$70 727		\$70 727		\$37 707		\$33 020	
15 Support staff	\$55 896	1,63	\$55 896		\$55 896		\$23 853		\$32 043	
Services Formula										
16 Case managers (child intervention)	\$124 304	2,20	\$124 304		\$124 304		\$124 304			
17 Prevention / Least Disruptive Measures	\$231 658	4,10	\$231 658		\$231 658				\$231 658	
18 Case Conference Co-ordinator	\$69 340	1,00	\$69 340		\$69 340				\$69 340	
19 Foster care trainer / Recruit support / Placement resource	\$48 140	0,852	\$48 140		\$48 140		\$48 140			
20 Service purchase @\$100/child	\$73 400			\$73 400	\$73 400		\$36 700		\$36 700	
21 Travel for service staff	\$101 720			\$101 720	\$101 720	\$10 000	\$40 720		\$51 000	
Totals:	\$1 830 967	n/a	\$1 324 994	\$505 973	\$1 830 967	\$497 611	\$594 654		\$738 702	

Total \$1 830 967

Adjustment for Scale \$450 061 \$594 654 \$738 702
Adjustment for Scale Total \$1 783 417

Program Directive 20-1 Chapter 5 \$779 301,32

Reallocated amount \$207 301

Total allocation to the agency \$1 576 116

Footnotes:

- 1) Evaluation funding was obtained through Budget 2005 and will be funded every 3 years in the amount of \$30,600.00 as a fixed amount.
2) Totals may be imprecise due to rounding.

DRAFT For Discussion

AGENCY NAME:	Conseil Montagnais De Shefferville Child and Family Services	
Member First Nations On Reserve Pop.	0-18	Total
87 La Nation Innu Matimekush-Lac John	279	760
Total number of children serviced by agency	279	760
Children in care based on 6.0%	17	
Prevention - CLSC Model - Total Population	760	
Families Requiring Services	10	

Forecast Provincial Average Salary for 2008-2009 Based upon Salary Grids plus Year over Year increase for the Last Year of Increase	
Forecast Provincial Front Line Social Worker Average Salary	\$56 502
Forecast Provincial Social Worker Supervisor Average Salary	\$69 340
Professional salary increment per professional for Remote Areas	\$11 272 \$7,536/\$9,320/\$11,727 for Regions 1/2 or 3 respectively
Travel Benefit	\$13 770
Forecast Provincial Secretarial Average Salary	\$33 215
Forecast Provincial Clerical Average Salary	\$34 292

Administrative Formula	2008 FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed		Variable	
						Agency Core	Protection	Prevention / Least Disruptive Measures	
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000			
2 Director	\$80 000	1	\$80 000		\$80 000	\$80 000			
3 HR Staff	\$39 300	1	\$39 300		\$39 300	\$39 300			
4 Secretary/Receptionist	\$33 215	1	\$33 215		\$33 215	\$33 215			
5 Financial support	\$51 000	1	\$51 000		\$51 000	\$51 000			
6 Evaluation (Footnote 1)	\$0			\$0	\$0	\$0	\$0		\$0
7 Audit	\$8 500			\$8 500	\$8 500	\$8 500			
8 Insurance	\$24 000			\$24 000	\$24 000	\$24 000			
9 Legal	\$20 000			\$20 000	\$20 000	\$20 000			
10 Admin overhead (rent, IT etc)	\$133 988			\$133 988	\$133 988	\$49 855	\$26 787		\$57 345
11 Benefits (@20.45%)	\$111 810		\$111 810		\$111 810	\$41 619	\$41 305		\$28 887
Adjustment for Benefits (@26.4%)	\$32 531		\$32 531		\$32 531	\$12 109	\$12 017		\$8 404
Salary Adjustment for Remoteness	\$90 999		\$90 999		\$90 999	\$33 816	\$17 731		\$39 452
Travel Benefit for Remote Areas	\$111 165		\$111 165		\$111 165	\$41 310	\$21 660		\$48 195
12 Ongoing training	\$19 766			\$19 766	\$19 766	\$8 000	\$6 766		\$5 000
13 Off-Hour emergency service	\$9 436		\$9 436		\$9 436		\$2 373		\$7 063
14 Supervisors	\$35 363	0,51	\$35 363		\$35 363		\$15 146		\$20 217
15 Support staff	\$27 777	0,81	\$27 777		\$27 777		\$8 287		\$19 490
Services Formula									
16 Case managers (child intervention)	\$47 462	0,84	\$47 462		\$47 462		\$47 462		
17 Prevention / Least Disruptive Measures	\$141 255	2,50	\$141 255		\$141 255				\$141 255
18 Case Conference Co-ordinator	\$69 340	1,00	\$69 340		\$69 340				\$69 340
19 Foster care trainer / Recruit support / Placement resource	\$12 600	0,223	\$12 600		\$12 600		\$12 600		
20 Service purchase @ \$100/child	\$27 900			\$27 900	\$27 900		\$13 950		\$13 950
21 Travel for service staff	\$60 730			\$60 730	\$60 730	\$10 000	\$15 730		\$35 000
Totals:	\$1 238 137	n/a	\$893 253	\$344 884	\$1 238 137	\$502 724	\$241 814		\$493 598

Total \$1 238 136

Adjustment for Scale \$166 451 \$241 814 \$493 598
Adjustment for Scale Total \$901 863

Program Directive 20-1 Chapter 5 \$326 331,13

Reallocated amount \$59 785

Total allocation to the agency \$842 078

Footnotes:

- 1) Evaluation funding was obtained through Budget 2005 and will be funded every 3 years in the amount of \$30,600.00 as a fixed amount.
- 2) Totals may be imprecise due to rounding.
- 3) n/a - Staff Total is not valid for agencies serving less than 800 children as the formula is subject to Adjustment for Scale.

DRAFT For Discussion

AGENCY NAME: Ristigouche Child and Family Services

Member First Nations On Reserve Pop.	0-18	Total
51 Listuguj Mi'gmaq FN Council	637	2 014
Total number of children serviced by agency	637	2 014
Children in care based on 6.0%	38	
Prevention - CLSC Model - Total Population	2 014	
Families Requiring Services	11	

Forecast Provincial Average Salary for 2008-2009 Based upon Salary Grids plus Year over Year increase for the Last Year of Increase	
Forecast Provincial Front Line Social Worker Average Salary	\$56 502
Forecast Provincial Social Worker Supervisor Average Salary	\$69 340
Professional salary Increment per professional for Remote Areas	\$0 \$7,536/\$9,320/\$11,727 for Regions 1/2 or 3 respectively
Travel Benefit	\$0
Forecast Provincial Secretarial Average Salary	\$33 215
Forecast Provincial Clerical Average Salary	\$34 292

Administrative Formula	2008 FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed	Variable	
						Agency Core	Protection	Prevention / Least Disruptive Measures
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000		
2 Director	\$80 000	1	\$80 000		\$80 000	\$80 000		
3 HR Staff	\$39 300	1	\$39 300		\$39 300	\$39 300		
4 Secretary/Receptionist	\$33 215	1	\$33 215		\$33 215	\$33 215		
5 Financial support	\$51 000	1	\$51 000		\$51 000	\$51 000		
6 Evaluation (Footnote 1)	\$0			\$0	\$0	\$0	\$0	\$0
7 Audit	\$8 500			\$8 500	\$8 500	\$8 500		
8 Insurance	\$24 000			\$24 000	\$24 000	\$24 000		
9 Legal	\$20 000			\$20 000	\$20 000	\$20 000		
10 Admin overhead (rent, IT etc)	\$135 776			\$135 776	\$135 776	\$36 770	\$42 388	\$56 617
11 Benefits (@20.45%)	\$153 680		\$153 680		\$153 680	\$41 619	\$71 042	\$41 019
Adjustment for Benefits (@26.4%)								
n/a has Defined Contrib Plan	\$0		\$0		\$0	\$0	\$0	\$0
Salary Adjustment for Remoteness	\$0		\$0		\$0	\$0	\$0	\$0
Travel Benefit for Remote Areas	\$0		\$0		\$0	\$0	\$0	\$0
12 Ongoing training	\$27 116			\$27 116	\$27 116	\$8 000	\$12 016	\$7 100
13 Off-Hour emergency service	\$15 425		\$15 425		\$15 425		\$5 396	\$10 029
14 Supervisors	\$61 713	0,89	\$61 713		\$61 713		\$33 142	\$28 571
15 Support staff	\$49 038	1,43	\$49 038		\$49 038		\$21 131	\$27 907
Services Formula								
16 Case managers (child intervention)	\$107 919	1,91	\$107 919		\$107 919		\$107 919	
17 Prevention / Least Disruptive Measures	\$200 582	3,55	\$200 582		\$200 582			\$200 582
18 Case Conference Co-ordinator	\$69 340	1,00	\$69 340		\$69 340			\$69 340
19 Foster care trainer / Recruit support / Placement resource	\$43 959	0,778	\$43 959		\$43 959		\$43 959	
20 Service purchase @\$100/child	\$63 700			\$63 700	\$63 700		\$31 850	\$31 850
21 Travel for service staff	\$91 280			\$91 280	\$91 280	\$10 000	\$35 780	\$45 500
Totals:	\$1 325 543	n/a	\$905 171	\$420 372	\$1 325 543	\$402 404	\$404 623	\$518 515

Total \$1 325 542

Adjustment for Scale \$323 502 \$404 623 \$518 515
Adjustment for Scale Total \$1 246 640

Program Directive 20-1 Chapter 5 \$595 901,89

Reallocated amount \$69 331

Total allocation to the agency \$1 177 309

Footnotes:

- 1) Evaluation funding was obtained through Budget 2005 and will be funded every 3 years in the amount of \$30,600.00 as a fixed amount.
- 2) Totals may be imprecise due to rounding.
- 3) n/a - Staff Total is not valid for agencies serving less than 800 children as the formula is subject to Adjustment for Scale.

DRAFT For Discussion

AGENCY NAME: Uashat/Maliotenam Child and Family Services

Member First Nations On Reserve Pop.	<u>0-18</u>	<u>Total</u>
80 Uashat Mak Mani-Utenam	1 200	3 114
Total number of children serviced by agency	1 200	3 114
Children in care based on 6.0%	72	
Prevention - CLSC Model - Total Population	3 114	
Families Requiring Services	30	

Forecast Provincial Average Salary for 2008-2009 Based upon Salary Grids plus Year over Year increase for the Last Year of Increase
 Forecast Provincial Front Line Social Worker Average Salary \$56 502
 Forecast Provincial Social Worker Supervisor Average Salary \$69 340
 Professional salary increment per professional for Remote Areas \$7 536 \$7,536/\$9,320/\$11,727 for Regions 1/2 or 3 respectively
 Travel Benefit \$0
 Forecast Provincial Secretarial Average Salary \$33 215
 Forecast Provincial Clerical Average Salary \$34 292

Administrative Formula	2008 FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed			Prevention / Least Disruptive Measures
						Agency Core	Variable	Protection	
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000			
2 Director	\$80 000	1	\$80 000		\$80 000	\$80 000			
3 HR Staff	\$39 300	1	\$39 300		\$39 300	\$39 300			
4 Secretary/Receptionist	\$33 215	1	\$33 215		\$33 215	\$33 215			
5 Financial support	\$51 000	1	\$51 000		\$51 000	\$51 000			
6 Evaluation (Footnote 1)	\$0			\$0	\$0	\$0		\$0	\$0
7 Audit	\$8 500			\$8 500	\$8 500	\$8 500			
8 Insurance	\$24 000			\$24 000	\$24 000	\$24 000			
9 Legal	\$20 000			\$20 000	\$20 000	\$20 000			
10 Admin overhead (rent, IT etc)	\$200 450			\$200 450	\$200 450	\$41 978	\$81 007		\$77 466
11 Benefits (@20.45%)	\$198 646		\$198 646		\$198 646	\$41 619	\$105 031		\$51 996
Adjustment for Benefits (@26.4%)	\$57 797		\$57 797		\$57 797	\$12 109	\$30 560		\$15 128
Salary Adjustment for Remoteness	\$108 518		\$108 518		\$108 518	\$22 608	\$44 462		\$41 448
Travel Benefit for Remote Areas	\$0		\$0		\$0	\$0	\$0		\$0
12 Ongoing training	\$34 960			\$34 960	\$34 960	\$8 000	\$17 960		\$9 000
13 Off-Hour emergency service	\$22 883		\$22 883		\$22 883		\$10 170		\$12 713
14 Supervisors	\$90 142	1,30	\$90 142		\$90 142		\$53 859		\$36 283
15 Support staff	\$71 327	2,08	\$71 327		\$71 327		\$36 055		\$35 272
Services Formula									
16 Case managers (child intervention)	\$203 407	3,60	\$203 407		\$203 407		\$203 407		
17 Prevention / Least Disruptive Measures	\$254 259	4,50	\$254 259		\$254 259				\$254 259
18 Case Conference Co-ordinator	\$69 340	1,00	\$69 340		\$69 340				\$69 340
19 Foster care trainer / Recruit support / Placement resource	\$56 502	1,00	\$56 502		\$56 502		\$56 502		
20 Service purchase @\$100/child	\$120 000			\$120 000	\$120 000		\$60 000		\$60 000
21 Travel for service staff	\$124 000			\$124 000	\$124 000	\$10 000	\$59 000		\$55 000
Totals:	\$1 918 246	17,48	\$1 336 336	\$581 910	\$1 918 246	\$442 329	\$758 013		\$717 905

Total \$1 918 247

Program Directive 20-1 Chapter 5

\$1 124 554,32

Reallocated amount

\$180 878

Total allocation to the agency

\$1 737 369

Footnotes:

- 1) Evaluation funding was obtained through Budget 2005 and will be funded every 3 years in the amount of \$30,600.00 as a fixed amount.
 2) Totals may be imprecise due to rounding.

DRAFT For Discussion

AGENCY NAME: Natashquan Child and Family Services

Member First Nations On Reserve Pop.	<u>0-18</u>	<u>Total</u>
83 Montagnais De Natashquan	391	923
Total number of children serviced by agency	391	923
Children in care based on 6.0%	23	
Prevention - CLSC Model - Total Population	923	
Families Requiring Services	5	

Forecast Provincial Average Salary for 2008-2009 Based upon Salary Grids plus Year over Year increase for the Last Year of Increase	
Forecast Provincial Front Line Social Worker Average Salary	\$56 502
Forecast Provincial Social Worker Supervisor Average Salary	\$69 340
Professional salary Increment per professional for Remote Areas	\$0 \$7,536/\$9,320/\$11,727 for Regions 1/2 or 3 respectively
Travel Benefit	\$0
Forecast Provincial Secretarial Average Salary	\$33 215
Forecast Provincial Clerical Average Salary	\$34 292

Administrative Formula	2008 FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed			Prevention / Least Disruptive Measures
						Agency Core	Variable	Protection	
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000			
2 Director	\$80 000	1	\$80 000		\$80 000	\$80 000			
3 HR Staff	\$39 300	1	\$39 300		\$39 300	\$39 300			
4 Secretary/Receptionist	\$33 215	1	\$33 215		\$33 215	\$33 215			
5 Financial support	\$51 000	1	\$51 000		\$51 000	\$51 000			
6 Evaluation (Footnote 1)	\$0			\$0	\$0	\$0		\$0	\$0
7 Audit	\$8 500			\$8 500	\$8 500	\$8 500			
8 Insurance	\$24 000			\$24 000	\$24 000	\$24 000			
9 Legal	\$20 000			\$20 000	\$20 000	\$20 000			
10 Admin overhead (rent, IT etc)	\$106 933			\$106 933	\$106 933	\$38 586	\$27 521		\$40 826
11 Benefits (@20.45%)	\$115 337		\$115 337		\$115 337	\$41 619	\$47 720		\$25 998
Adjustment for Benefits (@26.4%)	\$33 557		\$33 557		\$33 557	\$12 109	\$13 884		\$7 564
Salary Adjustment for Remoteness	\$0		\$0		\$0	\$0	\$0		\$0
Travel Benefit for Remote Areas	\$0		\$0		\$0	\$0	\$0		\$0
12 Ongoing training	\$20 402			\$20 402	\$20 402	\$8 000	\$7 902		\$4 500
13 Off-Hour emergency service	\$9 662		\$9 662		\$9 662		\$3 305		\$8 357
14 Supervisors	\$37 444	0,54	\$37 444		\$37 444		\$19 369		\$18 075
15 Support staff	\$29 834	0,87	\$29 834		\$29 834		\$12 127		\$17 707
Services Formula									
16 Case managers (child intervention)	\$66 107	1,17	\$66 107		\$66 107		\$66 107		
17 Prevention / Least Disruptive Measures	\$127 130	2,25	\$127 130		\$127 130				\$127 130
18 Case Conference Co-ordinator	\$69 340	1,00	\$69 340		\$69 340				\$69 340
19 Foster care trainer / Recruit support / Placement resource	\$20 962	0,371	\$20 962		\$20 962		\$20 962		
20 Service purchase @\$100/child	\$39 100			\$39 100	\$39 100		\$19 550		\$19 550
21 Travel for service staff	\$63 310			\$63 310	\$63 310	\$10 000	\$20 810		\$32 500
Totals:	\$1 045 133	n/a	\$712 888	\$332 245	\$1 045 133	\$416 329	\$259 257		\$369 547

Total \$1 045 133

Adjustment for Scale \$190 892
Adjustment for Scale Total \$259 257 \$369 547
\$819 696

Program Directive 20-1 Chapter 5 \$384 374,07

Reallocated amount \$60 093

Total allocation to the agency \$759 603

Footnotes:

- 1) Evaluation funding was obtained through Budget 2005 and will be funded every 3 years in the amount of \$30,600.00 as a fixed amount.
- 2) Totals may be imprecise due to rounding.
- 3) n/a - Staff Total is not valid for agencies serving less than 800 children as the formula is subject to Adjustment for Scale.

DRAFT For Discussion

AGENCY NAME: CJ LAURENTIDES
 Member First Nations On Reserve Pop. 0-18 **Total**
 69 Kanesatake 295 1 351
 Total number of children serviced by agency 295 1 351
 Children in care based on 6.0% 18
 Prevention - CLSC Model - Total Population 1 344
 Families Requiring Services 0

#NAME?

Forecast Provincial Average Salary for 2008-2009 Based upon Salary Grids plus Year over Year increase for the Last Year of Increase
 Forecast Provincial Front Line Social Worker Average Salary \$56 502
 Forecast Provincial Social Worker Supervisor Average Salary \$69 340
 Professional salary increment per professional for Remote Areas \$0 \$7,536/\$9,320/\$11,727 for Regions 1/2 or 3 respectively
 Travel Benefit \$0
 Forecast Provincial Secretarial Average Salary \$33 215
 Forecast Provincial Clerical Average Salary \$34 292

Administrative Formula	2008 FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed			Variable	
						Agency Core	Protection	Prevention / Least Disruptive Measures		
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000				
2 Director	\$80 000	1	\$80 000		\$80 000	\$80 000				
3 HR Staff	\$39 300	1	\$39 300		\$39 300	\$39 300				
4 Secretary/Receptionist	\$33 215	1	\$33 215		\$33 215	\$33 215				
5 Financial support	\$51 000	1	\$51 000		\$51 000	\$51 000				
6 Evaluation (Footnote 1)	\$0			\$0	\$0	\$0	\$0	\$0		\$0
7 Audit	\$8 500			\$8 500	\$8 500	\$8 500				
8 Insurance	\$24 000			\$24 000	\$24 000	\$24 000				
9 Legal	\$20 000			\$20 000	\$20 000	\$20 000				
10 Admin overhead (rent, IT etc)	\$97 624			\$97 624	\$97 624	\$38 586	\$21 593			\$37 444
11 Benefits (@20.45%)	\$105 296		\$105 296		\$105 296	\$41 619	\$40 568			\$23 109
Adjustment for Benefits (@26.4%)	\$30 636		\$30 636		\$30 636	\$12 109	\$11 803			\$6 724
Salary Adjustment for Remoteness	\$0		\$0		\$0	\$0	\$0			\$0
Travel Benefit for Remote Areas	\$0		\$0		\$0	\$0	\$0			\$0
12 Ongoing training	\$18 640			\$18 640	\$18 640	\$8 000	\$6 640			\$4 000
13 Off-Hour emergency service	\$8 165		\$8 165		\$8 165		\$2 514			\$5 650
14 Supervisors	\$31 203	0.45	\$31 203		\$31 203		\$15 077			\$16 126
15 Support staff	\$24 690	0.72	\$24 690		\$24 690		\$9 014			\$15 676
Services Formula										
16 Case managers (child intervention)	\$50 287	0.89	\$50 287		\$50 287		\$50 287			
17 Prevention / Least Disruptive Measures	\$113 004	2.00	\$113 004		\$113 004					\$113 004
18 Case Conference Co-ordinator	\$69 340	1.00	\$69 340		\$69 340					\$69 340
19 Foster care trainer / Recruit support / Placement resource	\$14 691	0.260	\$14 691		\$14 691		\$14 691			
20 Service purchase @\$100/child	\$29 500			\$29 500	\$29 500		\$14 750			\$14 750
21 Travel for service staff	\$56 000			\$56 000	\$56 000	\$10 000	\$16 000			\$30 000
Totals:	\$955 091	n/a	\$650 827	\$304 264	\$955 091	\$416 329	\$202 937			\$335 823

Total \$955 089

Adjustment for Scale \$137 848
 Adjustment for Scale Total \$202 937 \$335 823 \$676 608

Program Directive 20-1 Chapter 5 \$285 892,27

Reallocated amount \$36 334

Total allocation to the agency \$640 274

Footnotes:

- 1) Evaluation funding was obtained through Budget 2005 and will be funded every 3 years in the amount of \$30,600.00 as a fixed amount.
- 2) Totals may be imprecise due to rounding.
- 3) n/a - Staff Total is not valid for agencies serving less than 800 children as the formula is subject to Adjustment for Scale.

DRAFT For Discussion

AGENCY NAME:	CPEJ Outaouais	
Member First Nations On Reserve Pop.	0-18	Total
74 Algonquins of Barrier Lake	209	545
Total number of children serviced by agency	209	545
Children in care based on 6.0%	13	
Prevention - CLSC Model - Total Population	545	
Families Requiring Services	4	

Forecast Provincial Average Salary for 2008-2009 Based upon Salary Grids plus Year over Year increase for the Last Year of Increase
 Forecast Provincial Front Line Social Worker Average Salary \$56 502
 Forecast Provincial Social Worker Supervisor Average Salary \$69 340
 Professional salary increment per professional for Remote Areas \$0 \$7,536/\$9,320/\$11,727 for Regions 1/2 or 3 respectively
 Travel Benefit \$0
 Forecast Provincial Secretarial Average Salary \$33 215
 Forecast Provincial Clerical Average Salary \$34 292

Administrative Formula	2008 FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed	Variable	
						Agency Core	Protection	Prevention / Least Disruptive Measures
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000		
2 Director	\$80 000	1	\$80 000		\$80 000	\$80 000		
3 HR Staff	\$39 300	1	\$39 300		\$39 300	\$39 300		
4 Secretary/Receptionist	\$33 215	1	\$33 215		\$33 215	\$33 215		
5 Financial support	\$51 000	1	\$51 000		\$51 000	\$51 000		
6 Evaluation (Footnote 1)	\$0			\$0	\$0	\$0	\$0	\$0
7 Audit	\$8 500			\$8 500	\$8 500	\$8 500		
8 Insurance	\$24 000			\$24 000	\$24 000	\$24 000		
9 Legal	\$20 000			\$20 000	\$20 000	\$20 000		
10 Admin overhead (rent, IT etc)	\$94 644			\$94 644	\$94 644	\$38 586	\$15 918	\$40 139
11 Benefits (@20.45%)	\$102 082		\$102 082		\$102 082	\$41 619	\$35 043	\$25 420
Adjustment for Benefits (@26.4%)	\$29 701		\$29 701		\$29 701	\$12 109	\$10 196	\$7 396
Salary Adjustment for Remoteness	\$0		\$0		\$0	\$0	\$0	\$0
Travel Benefit for Remote Areas	\$0		\$0		\$0	\$0	\$0	\$0
12 Ongoing training	\$18 064			\$18 064	\$18 064	\$8 000	\$5 664	\$4 400
13 Off-Hour emergency service	\$7 995		\$7 995		\$7 995		\$1 780	\$6 215
14 Supervisors	\$29 123	0,42	\$29 123		\$29 123		\$11 385	\$17 738
15 Support staff	\$22 976	0,67	\$22 976		\$22 976		\$5 795	\$17 181
Services Formula								
16 Case managers (child intervention)	\$35 596	0,63	\$35 596		\$35 596		\$35 596	
17 Prevention / Least Disruptive Measures	\$124 304	2,20	\$124 304		\$124 304			\$124 304
18 Case Conference Co-ordinator	\$69 340	1,00	\$69 340		\$69 340			\$69 340
19 Foster care trainer / Recruit support / Placement resource	\$6 328	0,112	\$6 328		\$6 328		\$6 328	
20 Service purchase @\$100/child	\$20 900			\$20 900	\$20 900		\$10 450	\$10 450
21 Travel for service staff	\$53 620			\$53 620	\$53 620	\$10 000	\$11 620	\$32 000
Totals:	\$920 688	n/a	\$630 960	\$289 728	\$920 688	\$416 329	\$149 775	\$354 583
						Total		\$920 687
Adjustment for Scale						\$98 065	\$149 775	\$354 583
Adjustment for Scale Total								\$602 423
Program Directive 20-1 Chapter 5								\$182 565,43
Reallocated amount								\$32 351
Total allocation to the agency								\$570 072

Footnotes:

- 1) Evaluation funding was obtained through Budget 2005 and will be funded every 3 years in the amount of \$30,600.00 as a fixed amount.
- 2) Totals may be imprecise due to rounding.
- 3) n/a - Staff Total is not valid for agencies serving less than 800 children as the formula is subject to Adjustment for Scale.

DRAFT For Discussion

AGENCY NAME:

CPEJ Abitibi Temiscamingue

Member First Nations On Reserve Pop.	<u>0-18</u>	<u>Total</u>
55 Abitibiwinini	225	598
62 Kitcisakik (Grand Victoria)	186	380
63 Nation Anishnabe du Lac Simon	668	1439
64 Temiskaming First Nation	185	610
65		
Eagle Village First Nation - Kipawa	73	265
67 Long Point First Nation	<u>153</u>	<u>405</u>
Total number of children serviced by agency	1 490	3 697
Children in care based on 6.0%	89	
Prevention - CLSC Model - Total Population	3 697	
Families Requiring Services	55	

Forecast Provincial Average Salary for 2008-2009 Based upon Salary Grids plus Year over Year increase for the Last Year of Increase
Forecast Provincial Front Line Social Worker Average Salary \$56 502
Forecast Provincial Social Worker Supervisor Average Salary \$69 340
Professional salary increment per professional for Remote Areas \$7 536 \$7,536/\$9,320/\$11,727 for Regions 1/2 or 3 respectively
Travel Benefit \$0
Forecast Provincial Secretarial Average Salary \$33 215
Forecast Provincial Clerical Average Salary \$34 292

Administrative Formula	2008 FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed	Variable	
						Agency Core	Protection	Prevention / Least Disruptive Measures
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000		
2 Director	\$80 000	1	\$80 000		\$80 000	\$80 000		
3 HR Staff	\$39 300	1	\$39 300		\$39 300	\$39 300		
4 Secretary/Receptionist	\$33 215	1	\$33 215		\$33 215	\$33 215		
5 Financial support	\$51 000	1	\$51 000		\$51 000	\$51 000		
6 Evaluation (Footnote 1)	\$0			\$0	\$0	\$0	\$0	\$0
7 Audit	\$8 500			\$8 500	\$8 500	\$8 500		
8 Insurance	\$24 000			\$24 000	\$24 000	\$24 000		
9 Legal	\$20 000			\$20 000	\$20 000	\$20 000		
10 Admin overhead (rent, IT etc)	\$234 098			\$234 098	\$234 098	\$41 978	\$96 362	\$95 759
11 Benefits (@20.45%)	\$231 987		\$231 987		\$231 987	\$41 619	\$123 929	\$66 439
Adjustment for Benefits (@26.4%)	\$67 498		\$67 498		\$67 498	\$12 109	\$36 058	\$19 331
Salary Adjustment for Remoteness	\$126 756		\$126 756		\$126 756	\$22 608	\$53 280	\$50 868
Travel Benefit for Remote Areas	\$0		\$0		\$0	\$0	\$0	\$0
12 Ongoing training	\$40 760			\$40 760	\$40 760	\$8 000	\$21 260	\$11 500
13 Off-Hour emergency service	\$28 873		\$28 873		\$28 873		\$12 628	\$16 244
14 Supervisors	\$110 944	1,60	\$110 944		\$110 944		\$64 650	\$46 294
15 Support staff	\$87 788	2,56	\$87 788		\$87 788		\$42 799	\$44 989
Services Formula								
16 Case managers (child intervention)	\$252 564	4,47	\$252 564		\$252 564		\$252 564	
17 Prevention / Least Disruptive Measures	\$324 887	5,75	\$324 887		\$324 887			\$324 887
18 Case Conference Co-ordinator	\$69 340	1,00	\$69 340		\$69 340			\$69 340
19 Foster care trainer / Recruit support / Placement resource	\$56 502	1,00	\$56 502		\$56 502		\$56 502	
20 Service purchase @\$100/child	\$149 000			\$149 000	\$149 000		\$74 500	\$74 500
21 Travel for service staff	\$148 200			\$148 200	\$148 200	\$10 000	\$70 700	\$67 500
Totals:	\$2 235 212	20,38	\$1 560 654	\$674 558	\$2 235 212	\$442 329	\$905 232	\$887 651

Total \$2 235 212

Program Directive 20-1 Chapter 5

\$1 421 106,87

Reallocated amount

\$120 031

Total allocation to the agency

\$2 115 181

Footnotes:

- 1) Evaluation funding was obtained through Budget 2005 and will be funded every 3 years in the amount of \$30,600.00 as a fixed amount.
2) Totals may be imprecise due to rounding.

DRAFT For Discussion

AGENCY NAME:

Quebec Side of Akwesasne

Member First Nations On Reserve Pop.	0-18	Total
159 Mohawks of Akwesasne	1 413	5171 (Ontario Region estimate is that 58% of the children reside on the Quebec side of the reserve.)
Total number of children serviced by agency	1 413	5 171
Children in care based on 6.0%	85	
Prevention - CLSC Model - Total Population	5 171	
Families Requiring Services	26	

Forecast Provincial Average Salary for 2008-2009 Based upon Salary Grids plus Year over Year increase for the Last Year of Increase

Forecast Provincial Front Line Social Worker Average Salary	\$56 502
Forecast Provincial Social Worker Supervisor Average Salary	\$69 340
Professional salary increment per professional for Remote Areas	\$0 \$7,536/\$9,320/\$11,727 for Regions 1/2 or 3 respectively
Travel Benefit	\$0
Forecast Provincial Secretarial Average Salary	\$33 215
Forecast Provincial Clerical Average Salary	\$34 292

Administrative Formula	2008 FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed			Variable	
						Agency Core	Protection	Prevention / Least Disruptive Measures		
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000				
2 Director	\$80 000	1	\$80 000		\$80 000	\$80 000				
3 HR Staff	\$39 300	1	\$39 300		\$39 300	\$39 300				
4 Secretary/Receptionist	\$33 215	1	\$33 215		\$33 215	\$33 215				
5 Financial support	\$51 000	1	\$51 000		\$51 000	\$51 000				
6 Evaluation (Footnote 1)	\$0			\$0	\$0	\$0	\$0	\$0		\$0
7 Audit	\$8 500			\$8 500	\$8 500	\$8 500				
8 Insurance	\$24 000			\$24 000	\$24 000	\$24 000				
9 Legal	\$20 000			\$20 000	\$20 000	\$20 000				
10 Admin overhead (rent, IT etc)	\$181 591			\$181 591	\$181 591	\$36 770	\$78 457			\$66 364
11 Benefits (@20.45%)	\$205 537		\$205 537		\$205 537	\$41 619	\$114 233			\$49 685
Adjustment for Benefits (@26.4%)	\$0		\$0		\$0	\$0	\$0			\$0
n/a has Defined Contrib Plan	\$0		\$0		\$0	\$0	\$0			\$0
Salary Adjustment for Remoteness	\$0		\$0		\$0	\$0	\$0			\$0
Travel Benefit for Remote Areas	\$0		\$0		\$0	\$0	\$0			\$0
12 Ongoing training	\$36 160			\$36 160	\$36 160	\$8 000	\$19 580			\$8 600
13 Off-Hour emergency service	\$24 126		\$24 126		\$24 126		\$11 978			\$12 148
14 Supervisors	\$94 302	1,36	\$94 302		\$94 302		\$59 703			\$34 599
15 Support staff	\$74 757	2,18	\$74 757		\$74 757		\$41 061			\$33 696
Services Formula										
16 Case managers (child intervention)	\$239 568	4,24	\$239 568		\$239 568		\$239 568			
17 Prevention / Least Disruptive Measures	\$242 959	4,30	\$242 959		\$242 959					\$242 959
18 Case Conference Co-ordinator	\$69 340	1,00	\$69 340		\$69 340					\$69 340
19 Foster care trainer / Recruit support / Placement resource	\$56 502	1,00	\$56 502		\$56 502		\$56 502			
20 Service purchase @\$100/child	\$141 300			\$141 300	\$141 300		\$70 650			\$70 650
21 Travel for service staff	\$129 000			\$129 000	\$129 000	\$10 000	\$66 000			\$53 000
Totals:	\$1 801 157	18,08	\$1 210 606	\$590 551	\$1 801 157	\$402 404	\$757 712			\$641 041

Total \$1 801 157

Program Directive 20-1 Chapter 5

\$ 1 288 209,12

Reallocated amount

\$215 166

Total allocation to the agency

\$1 585 991

Footnotes:

- 1) Evaluation funding was obtained through Budget 2005 and will be funded every 3 years in the amount of \$30,600.00 as a fixed amount.
- 2) Totals may be imprecise due to rounding.

DRAFT For Discussion

AGENCY NAME: Government of Yukon
Member First Nations and 0-18 Population
Multiple Band Agency
Total number of children serviced by agency
Children in care(6%)
Multiple problem families (20%)

2,147
2147
129
143

Provincial Front Line Social Worker II Average Salary (April 1, 2011 rates with 2% Annual Increase)
Community Services Worker
Provincial clinical program Supervisor top of scale (April 1, 2011 rates with 2% Annual Increase)
Provincial Social assistance Worker top tier Salary (April 1, 2011 rates with 2% Annual Increase)

\$81 072
\$54 986
\$91 913
\$55 710

Administrative Formula	Base Calculations	# of Staff	Salary	Non-Salary	Totals	Fixed Agency Core	Variable	
							Protection	Enhancement
1 Board of directors	\$50 000			\$0	\$0	\$0		
2 Director	\$103 186	1	\$0		\$0	\$0		
3 EPFA Manager	\$81 072	1	\$81 072		\$81 072	\$81 072		
4 HR Staff	\$55 710	1	\$55 710		\$55 710	\$55 710		
5 Secretary/Receptionist	\$42 353	1	\$42 353		\$42 353	\$42 353		
6 Finance Manager	\$55 710	1	\$55 710		\$55 710	\$55 710		
7 Evaluation	\$10 200			\$10 200	\$10 200	\$10 200		
8 Audit	\$15 000			\$15 000	\$15 000	\$15 000		
9 Insurance	\$40 000			\$40 000	\$40 000	\$40 000		
10 Legal	\$40 000			\$40 000	\$40 000	\$40 000		
Admin overhead - 15% of Salaries and Benefits				\$428 167	\$428 167	\$35 227	\$335 205	\$57 735
12 Benefits - 20.45 % of Salaries			\$484 628		\$484 628	\$48 026	\$357 890	\$78 713
13 Ongoing training	\$2 000			\$64 000	\$64 000	\$10 000	\$40 000	\$14 000
Off-Hour emergency service - 10% of direct service delivery & supervisors			\$186 718		\$186 718		\$148 228	\$38 490
15 Supervisors	\$91 913	4	\$367 653		\$367 653		\$255 759	\$111 894
16 Support Workers	\$55 710	4	\$222 841		\$222 841		\$222 841	
<u>Direct Services Formula</u>								
17 Intake/Investigation workers	\$81 072	5	\$405 358		\$405 358		\$405 358	
18 Foster care trainer / Recruit Support	\$81 072	1	\$81 072		\$81 072		\$81 072	
19 Child Protection Workers	\$81 072	6	\$486 430		\$486 430		\$486 430	
Family Enhancement Worker (Prevention)	\$54 986	7	\$384 903		\$384 903			\$384 903
21 Service purchase @\$175/child				\$375 725	\$375 725		\$187 863	\$187 863
22 Travel for service staff	\$11 500			\$264 500	\$264 500		\$184 000	\$80 500
Totals:		32	\$2 854 448	\$1 573 592	\$4 428 040	\$445 298	\$2 944 646	\$1 038 098

	14/15 Ops Funding (a)		14/15 Maintenance funding (b)		Released under the Access to Information Act Communiqué en vertu de la Loi sur l'Accès à l'information				Funding (\$) increase
	Operations	Protection	Prevention	Total					
Miawpukek Mi'kamawey Mawi'omi Government of Newfoundland	240 \$	219 418 \$	127 451 \$		\$ 130 797	\$ 23 000	\$ 298 450	\$ 452 247	\$ 232 829
	834	\$970 415	\$ 8 477 932		\$ 319 785	\$ 2 513 598	\$ 551 926	\$ 3 385 309	\$ 2 414 894
Totals	1074 \$	1 189 833 \$	8 605 383 \$		\$ 450 582	\$ 2 536 598	\$ 850 376	\$ 3 837 556	\$ 2 647 723

*Numbers provided by Erin
Rumbolt - 11/6/2015*

AGENCY NAME: Aya Men Men (C4)
Member First Nations and 0-18 Population
Single Band Agency
1 number of children serviced by agency
Children in care based - 13/14 Actuals
Multiple problem families

689
689
45
46

DRAFT For Discussion

Provincial Front Line Social Worker Average Salary (April 5, 2015) \$67 319
Provincial Social Worker Supervisor Average Salary (April 5, 2015) \$76 030
Provincial Support Worker Average Salary (April 5, 2015) \$48 637
Administrative Support (April 5, 2015) \$41 053

Administrative Formula	FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed	Variable	
						Agency Core	Protection	Prevention / Least Disruptive Measures
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000		
2 Director	\$80 000	1,000	\$80 000		\$80 000	\$80 000		
3 HR Staff	\$50 053	1,000	\$50 053		\$50 053	\$50 053		
4 Administrative/Financial support	\$41 053	1,000	\$41 053		\$41 053	\$41 053		
5 Financial Manager	\$73 744	1,000	\$73 744		\$73 744	\$73 744		
6 Evaluation (Footnote 1)	\$10 200			\$10 200	\$10 200	\$10 200		
7 Audit	\$15 000			\$15 000	\$15 000	\$15 000		
8 Insurance	\$40 000			\$40 000	\$40 000	\$40 000		
9 Legal	\$30 000			\$30 000	\$30 000	\$30 000		
10 Admin overhead @ 15%				\$129 445	\$129 445	\$44 238	\$27 609	\$57 598
11 Benefits @ 20.45%			\$146 515		\$146 515	\$50 072	\$31 249	\$65 194
12 Ongoing training	\$2 000			\$21 000	\$21 000	\$8 000	\$7 000	\$6 000
13 Off-Hour emergency @ 10%			\$42 873		\$42 873		\$13 892	\$28 981
14 Supervisors	\$76 030	1,000	\$76 030		\$76 030		\$24 635	\$51 395
15 Support staff	\$41 053	1,000	\$41 053		\$41 053		\$13 302	\$27 751
Services Formula								
16 Foster care trainer / Recruit support / Placement resource	\$67 319	0,000	\$0		\$0		\$0	
17 Guardianship social worker	\$67 319	1,50	\$100 979		\$100 979		\$100 979	
18 Child Protection workers	\$67 319	0,000	\$0		\$0		\$0	
19 Community Co-ordinator	\$76 030	1,000	\$76 030		\$76 030	\$0	0	\$76 030
20 Family Support workers (prevention worker)	\$67 319	2,000	\$134 638		\$134 638			\$134 638
21 Intake/Investigation Line	\$67 319	0,000	\$0		\$0		\$0	
22 Service purchase @ \$175/child	\$175			\$120 575	\$120 575		\$60 288	\$60 288
23 Travel for all staff	\$11 500			\$74 750	\$74 750	\$23 000	\$17 250	\$34 500
Totals:	\$933 433	10,500	\$662 968	\$490 970	\$1 353 938	\$515 360	\$296 203	\$542 375
Small Agency Adjustment (81.25%)						\$418 730,00		

DRAFT For Discussion

AGENCY NAME: Lalum'Utul'Smun'Eem (C6)

Member First Nations and 0-18 Population

Single Band Agency

983

Total number of children serviced by agency

983

Children in care based on 6.0%

59

Multiple problem families

66

Provincial Front Line Social Worker Average Salary (April 5, 2015)

\$67 319

Provincial Social Worker Supervisor Average Salary (April 5, 2015)

\$76 030

Provincial Support Worker Average Salary (April 5, 2015)

\$48 637

Administrative Support (April 5, 2015)

\$41 053

Administrative Formula	2008 FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed	Variable	
						Agency Core	Protection	Prevention / Least Disruptive Measures
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000		
2 Director	\$80 000	1,000	\$80 000		\$80 000	\$80 000		
3 HR Staff	\$50 053	1,000	\$50 053		\$50 053	\$50 053		
4 Administrative/Financial support	\$41 053	1,000	\$41 053		\$41 053	\$41 053		
5 Financial Manager	\$73 744	1,000	\$73 744		\$73 744	\$73 744		
6 Evaluation (Footnote 1)	\$10 200			\$10 200	\$10 200	\$10 200		
7 Audit	\$15 000			\$15 000	\$15 000	\$15 000		
8 Insurance	\$40 000			\$40 000	\$40 000	\$40 000		
9 Legal	\$30 000			\$30 000	\$30 000	\$30 000		
10 Admin overhead @ 15%				\$269 376	\$269 376	\$44 238	\$148 491	\$76 647
11 Benefits @20.45%			\$304 898		\$304 898	\$50 072	\$168 072	\$86 754
12 Ongoing training	\$2 000			\$44 000	\$44 000	\$8 000	\$28 000	\$8 000
13 Off-Hour emergency @ 10%			\$113 281		\$113 281		\$74 715	\$38 566
14 Supervisors	\$76 030	2,000	\$152 060		\$152 060		\$100 292	\$51 768
15 Support staff	\$41 053	4,000	\$164 212		\$164 212		\$108 307	\$55 905
Services Formula								
16 Foster care trainer / Recruit support / Placement resource	\$67 319	1,000	\$67 319		\$67 319		\$67 319	
17 Guardianship social worker	\$67 319	2,00	\$134 638		\$134 638		\$134 638	
18 Child Protection workers	\$67 319	3,000	\$201 957		\$201 957		\$201 957	
19 Community Co-ordinator	\$76 030	1,000	\$76 030		\$76 030	\$0	0	\$76 030
20 Family Support workers (prevention worker)	\$67 319	3,000	\$201 957		\$201 957			\$201 957
21 Intake/Investigation Line	\$67 319	2,000	\$134 638		\$134 638		\$134 638	
22 Service purchase @\$175/child	\$175			\$172 025	\$172 025		\$86 013	\$86 013
23 Travel for all staff	\$11 500			\$172 500	\$172 500	\$34 500	\$92 000	\$46 000
Totals:	\$933 433	22,000	\$1 795 840	\$803 101	\$2 598 941	\$526 860	\$1 344 441	\$727 640

DRAFT For Discussion

AGENCY NAME: Spallumcheen Child and Family Services

Member First Nations and 0-18 Population

Single Band Agency 116

number of children serviced by agency 116

Children in care - 13/14 Actuals 37

Multiple problem families 8

Provincial Front Line Social Worker Average Salary (April 5, 2015)

\$67 319

Provincial Social Worker Supervisor Average Salary (April 5, 2015)

\$76 030

Provincial Support Worker Average Salary (April 5, 2015)

\$48 637

Administrative Support (April 5, 2015)

\$41 053

	FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed	Variable	
						Agency Core	Protection	Prevention / Least Disruptive Measures
Administrative Formula								
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000		
2 Director	\$80 000	1,000	\$80 000		\$80 000	\$80 000		
3 HR Staff	\$50 053	1,000	\$50 053		\$50 053	\$50 053		
4 Administrative/Financial support	\$41 053	1,000	\$41 053		\$41 053	\$41 053		
5 Financial Manager	\$73 744	1,000	\$73 744		\$73 744	\$73 744		
6 Evaluation (Footnote 1)	\$10 200			\$10 200	\$10 200	\$10 200		
7 Audit	\$15 000			\$15 000	\$15 000	\$15 000		
8 Insurance	\$40 000			\$40 000	\$40 000	\$40 000		
9 Legal	\$30 000			\$30 000	\$30 000	\$30 000		
10 Admin overhead @15%				\$171 052	\$171 052	\$44 238	\$88 937	\$37 877
11 Benefits @20.45%			\$193 608		\$193 608	\$50 072	\$100 665	\$42 871
12 Ongoing training	\$2 000			\$28 000	\$28 000	\$8 000	\$16 000	\$4 000
13 Off-Hour emergency @10%			\$63 808		\$63 808		\$44 750	\$19 058
14 Supervisors	\$76 030	1,000	\$76 030		\$76 030		\$53 321	\$22 709
15 Support staff	\$41 053	2,000	\$82 106		\$82 106		\$57 583	\$24 523
Services Formula								
Foster care trainer / Recruit								
16 support / Placement resource	\$67 319	1,000	\$67 319		\$67 319		\$67 319	
17 Guardianship social worker	\$67 319	1,000	\$67 319		\$67 319		\$67 319	
18 Child Protection workers	\$67 319	2,000	\$134 638		\$134 638		\$134 638	
19 Community Co-ordinator	\$76 030	1,000	\$76 030		\$76 030	\$0	0	\$76 030
20 Family Support workers (prevention worker)	\$67 319	1,000	\$67 319		\$67 319			\$67 319
21 Intake/Investigation Line	\$67 319	1,000	\$67 319		\$67 319		\$67 319	
22 Service purchase @\$175/child	\$175			\$20 300	\$20 300		\$10 150	\$10 150
23 Travel for all staff	\$11 500			\$103 500	\$103 500	\$23 000	\$57 500	\$23 000
Totals:	\$933 433	14,000	\$1 140 346	\$468 052	\$1 608 398	\$515 360	\$765 501	\$327 537
Small Agency Adjustment (12.5%)						\$64 420,00		

DRAFT For Discussion

AGENCY NAME: Kwumut Lelum Child and Family Services

Member First Nations and 0-18 Population

Single Band Agency **834**

Number of children serviced by agency **834**

Children in care based on 6.0% **50**

Multiple problem families **56**

Provincial Front Line Social Worker Average Salary (April 5, 2015) \$67 319
Provincial Social Worker Supervisor Average Salary (April 5, 2015) \$76 030
Provincial Support Worker Average Salary (April 5, 2015) \$48 637
Administrative Support (April 5, 2015) \$41 053

Administrative Formula	FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed			Variable	
						Agency Core	Protection	Prevention / Least Disruptive Measures		
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000				
2 Director	\$80 000	1,000	\$80 000		\$80 000	\$80 000				
3 HR Staff	\$50 053	1,000	\$50 053		\$50 053	\$50 053				
4 Administrative/Financial support	\$41 053	1,000	\$41 053		\$41 053	\$41 053				
5 Financial Manager	\$73 744	1,000	\$73 744		\$73 744	\$73 744				
6 Evaluation (Footnote 1)	\$10 200			\$10 200	\$10 200	\$10 200				
7 Audit	\$15 000			\$15 000	\$15 000	\$15 000				
8 Insurance	\$40 000			\$40 000	\$40 000	\$40 000				
9 Legal	\$30 000			\$30 000	\$30 000	\$30 000				
10 Admin overhead @ 15%				\$150 983	\$150 983	\$44 238	\$28 443	\$78 302		
11 Benefits @ 20.45%			\$170 893		\$170 893	\$50 072	\$32 194	\$88 627		
12 Ongoing training	\$2 000			\$25 000	\$25 000	\$8 000	\$9 000	\$8 000		
13 Off-Hour emergency @ 10%			\$53 710		\$53 710		\$14 312	\$39 399		
14 Supervisors	\$76 030	1,000	\$76 030		\$76 030		\$20 259	\$55 771		
15 Support staff	\$41 053	2,000	\$82 106		\$82 106		\$21 878	\$60 228		
Services Formula										
Foster care trainer / Recruit support / Placement resource	\$67 319	0,000	\$0		\$0		\$0			
17 Guardianship social worker	\$67 319	1,50	\$100 979		\$100 979		\$100 979			
18 Child Protection workers	\$67 319	0,000	\$0		\$0		\$0			
19 Community Co-ordinator	\$76 030	1,000	\$76 030		\$76 030	\$0	0	\$76 030		
20 Family Support workers (prevention worker)	\$67 319	3,000	\$201 957		\$201 957			\$201 957		
21 Intake/Investigation Line	\$67 319	0,000	\$0		\$0		\$0			
22 Service purchase @ \$175/child	\$175			\$145 950	\$145 950		\$72 975	\$72 975		
23 Travel for all staff	\$11 500			\$86 250	\$86 250	\$23 000	\$17 250	\$46 000		
Totals:	\$933 433	12,500	\$1 006 555	\$553 383	\$1 559 938	\$515 360	\$317 290	\$727 289		

DRAFT For Discussion

AGENCY NAME: Gitxan
 First Nations and 0-18 Population
 Single Band Agency 703
 Total number of children serviced by agency 703
 Children in care based on 6.0% 42
 Multiple problem families 47

Provincial Front Line Social Worker Average Salary (April 5, 2015) \$67 319
 Provincial Social Worker Supervisor Average Salary (April 5, 2015) \$76 030
 Provincial Support Worker Average Salary (April 5, 2015) \$48 637
 Administrative Support (April 5, 2015) \$41 053

Administrative Formula	FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed	Variable	
						Agency Core	Protection	Prevention / Least Disruptive Measures
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000		
2 Director	\$80 000	1,000	\$80 000		\$80 000	\$80 000		
3 HR Staff	\$50 053	1,000	\$50 053		\$50 053	\$50 053		
4 Administrative/Financial support	\$41 053	1,000	\$41 053		\$41 053	\$41 053		
5 Financial Manager	\$73 744	1,000	\$73 744		\$73 744	\$73 744		
6 Evaluation (Footnote 1)	\$10 200			\$10 200	\$10 200	\$10 200		
7 Audit	\$15 000			\$15 000	\$15 000	\$15 000		
8 Insurance	\$40 000			\$40 000	\$40 000	\$40 000		
9 Legal	\$30 000			\$30 000	\$30 000	\$30 000		
10 Admin overhead @15%				\$129 445	\$129 445	\$44 238	\$27 609	\$57 598
11 Benefits @20.45%			\$146 515		\$146 515	\$50 072	\$31 249	\$65 194
12 Ongoing training	\$2 000			\$21 000	\$21 000	\$8 000	\$7 000	\$6 000
13 Off-Hour emergency @ 10%			\$42 873		\$42 873		\$13 892	\$28 981
14 Supervisors	\$76 030	1,000	\$76 030		\$76 030		\$24 635	\$51 395
15 Support staff	\$41 053	1,000	\$41 053		\$41 053		\$13 302	\$27 751
Services Formula								
16 Foster care trainer / Recruit support / Placement resource	\$67 319	0,000	\$0		\$0		\$0	
17 Guardianship social worker	\$67 319	1,500	\$100 979		\$100 979		\$100 979	
18 Child Protection workers	\$67 319	0,000	\$0		\$0		\$0	
19 Community Co-ordinator	\$76 030	1,000	\$76 030		\$76 030	\$0	0	\$76 030
20 Family Support workers (prevention worker)	\$67 319	2,000	\$134 638		\$134 638			\$134 638
21 Intake/Investigation Line	\$67 319	0,000	\$0		\$0		\$0	
22 Service purchase @\$175/child	\$175			\$123 025	\$123 025		\$61 513	\$61 513
23 Travel for all staff	\$11 500			\$74 750	\$74 750	\$23 000	\$17 250	\$34 500
Totals:	\$933 433	10,500	\$862 968	\$493 420	\$1 356 388	\$515 360	\$297 428	\$543 600
Core Small Scale Adjustment						\$450 940,00		

DRAFT For Discussion

AGENCY NAME: Knucwentweew Society F&CS

Member First Nations and 0-18 Population

Single Band Agency

number of children serviced by agency

Children in care based on 6.0%

Multiple problem families

400

400

24

27

Provincial Front Line Social Worker Average Salary (April 5, 2015)

\$67 319

Provincial Social Worker Supervisor Average Salary (April 5, 2015)

\$76 030

Provincial Support Worker Average Salary (April 5, 2015)

\$48 637

Administrative Support (April 5, 2015)

\$41 053

Administrative Formula	FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed	Variable	
						Agency Core	Protection	Prevention / Least Disruptive Measures
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000		
2 Director	\$80 000	1,000	\$80 000		\$80 000	\$80 000		
3 HR Staff	\$50 053	1,000	\$50 053		\$50 053	\$50 053		
4 Administrative/Financial support	\$41 053	1,000	\$41 053		\$41 053	\$41 053		
5 Financial Manager	\$73 744	1,000	\$73 744		\$73 744	\$73 744		
6 Evaluation (Footnote 1)	\$10 200			\$10 200	\$10 200	\$10 200		
7 Audit	\$15 000			\$15 000	\$15 000	\$15 000		
8 Insurance	\$40 000			\$40 000	\$40 000	\$40 000		
9 Legal	\$30 000			\$30 000	\$30 000	\$30 000		
10 Admin overhead @15%				\$157 673	\$157 673	\$44 238	\$74 026	\$39 408
11 Benefits @20.45%			\$178 464		\$178 464	\$50 072	\$83 788	\$44 605
12 Ongoing training	\$2 000			\$26 000	\$26 000	\$8 000	\$14 000	\$4 000
13 Off-Hour emergency @10%			\$57 076		\$57 076		\$37 247	\$19 829
14 Supervisors	\$76 030	1,000	\$76 030		\$76 030		\$49 617	\$26 413
15 Support staff	\$41 053	2,000	\$82 106		\$82 106		\$53 582	\$28 524
Services Formula								
16 Foster care trainer / Recruit support / Placement resource	\$67 319	1,000	\$67 319		\$67 319		\$67 319	
17 Guardianship social worker	\$67 319	1,000	\$67 319		\$67 319		\$67 319	
18 Child Protection workers	\$67 319	1,000	\$67 319		\$67 319		\$67 319	
19 Community Co-ordinator	\$76 030	1,000	\$76 030		\$76 030	\$0	0	\$76 030
20 Family Support workers (prevention worker)	\$67 319	1,000	\$67 319		\$67 319			\$67 319
21 Intake/Investigation Line	\$67 319	1,000	\$67 319		\$67 319		\$67 319	
22 Service purchase @\$175/child	\$175			\$70 000	\$70 000		\$35 000	\$35 000
23 Travel for all staff	\$11 500			\$92 000	\$92 000	\$23 000	\$46 000	\$23 000
Totals:		13,000	\$1 051 151	\$490 873	\$1 542 024	\$515 360	\$662 536	\$364 128
Small Size Adjustment (50%)						\$257 680,00		

DRAFT For Discussion

AGENCY NAME: Niha'7kapmx Child and Family Services
Member First Nations and 0-18 Population
Single Band Agency 362
Number of children serviced by agency 362
Children in care based on 6.0% 22
Multiple problem families 24

Provincial Front Line Social Worker Average Salary (April 5, 2015) \$67 319
Provincial Social Worker Supervisor Average Salary (April 5, 2015) \$76 030
Provincial Support Worker Average Salary (April 5, 2015) \$48 637
Administrative Support (April 5, 2015) \$41 053

Administrative Formula	FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed	Variable	
						Agency Core	Protection	Prevention / Least Disruptive Measures
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000		
2 Director	\$80 000	1,000	\$80 000		\$80 000	\$80 000		
3 HR Staff	\$50 053	1,000	\$50 053		\$50 053	\$50 053		
4 Administrative/Financial support	\$41 053	1,000	\$41 053		\$41 053	\$41 053		
5 Financial Manager	\$73 744	1,000	\$73 744		\$73 744	\$73 744		
6 Evaluation (Footnote 1)	\$10 200			\$10 200	\$10 200	\$10 200		
7 Audit	\$15 000			\$15 000	\$15 000	\$15 000		
8 Insurance	\$40 000			\$40 000	\$40 000	\$40 000		
9 Legal	\$30 000			\$30 000	\$30 000	\$30 000		
10 Admin overhead @15%				\$157 673	\$157 673	\$44 238	\$74 026	\$39 408
11 Benefits @20.45%			\$178 464		\$178 464	\$50 072	\$83 788	\$44 605
12 Ongoing training	\$2 000			\$26 000	\$26 000	\$8 000	\$14 000	\$4 000
13 Off-Hour emergency @10%			\$57 076		\$57 076		\$37 247	\$19 829
14 Supervisors	\$76 030	1,000	\$76 030		\$76 030		\$49 617	\$26 413
15 Support staff	\$41 053	2,000	\$82 106		\$82 106		\$53 582	\$28 524
Services Formula								
16 Foster care trainer / Recruit support / Placement resource	\$67 319	1,000	\$67 319		\$67 319		\$67 319	
17 Guardianship social worker	\$67 319	1,000	\$67 319		\$67 319		\$67 319	
18 Child Protection workers	\$67 319	1,000	\$67 319		\$67 319		\$67 319	
19 Community Co-ordinator	\$76 030	1,000	\$76 030		\$76 030	\$0	0	\$76 030
20 Family Support workers (prevention worker)	\$67 319	1,000	\$67 319		\$67 319			\$67 319
21 Intake/Investigation Line	\$67 319	1,000	\$67 319		\$67 319		\$67 319	
22 Service purchase @ \$175/child	\$175			\$63 350	\$63 350		\$31 675	\$31 675
23 Travel for all staff	\$11 500			\$92 000	\$92 000	\$23 000	\$46 000	\$23 000
Totals:	\$933 433	13,000	\$1 051 151	\$484 223	\$1 535 374	\$515 360	\$659 211	\$360 803
Small Size Adjustment (43.75%)						\$225 470,00		

DRAFT For Discussion

AGENCY NAME: Nuu-Chah Nulth Community Human Services
Member First Nations and 0-18 Population
Single Band Agency 1 028
number of children serviced by agency 1 028
en in care based on 6.0% 62
Multiple problem families 69

Provincial Front Line Social Worker Average Salary (April 5, 2015) \$67 319
Provincial Social Worker Supervisor Average Salary (April 5, 2015) \$76 030
Provincial Support Worker Average Salary (April 5, 2015) \$48 637
Administrative Support (April 5, 2015) \$41 053

Administrative Formula	FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed	Variable	
						Agency Core	Protection	Prevention / Least Disruptive Measures
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000		
2 Director	\$80 000	1,000	\$80 000		\$80 000	\$80 000		
3 HR Staff	\$50 053	1,000	\$50 053		\$50 053	\$50 053		
4 Administrative/Financial support	\$41 053	1,000	\$41 053		\$41 053	\$41 053		
5 Financial Manager	\$73 744	1,000	\$73 744		\$73 744	\$73 744		
6 Evaluation (Footnote 1)	\$10 200			\$10 200	\$10 200	\$10 200		
7 Audit	\$15 000			\$15 000	\$15 000	\$15 000		
8 Insurance	\$40 000			\$40 000	\$40 000	\$40 000		
9 Legal	\$30 000			\$30 000	\$30 000	\$30 000		
10 Admin overhead @15%				\$297 866	\$297 866	\$44 238	\$173 858	\$79 770
11 Benefits @20.45%			\$337 144		\$337 144	\$50 072	\$196 784	\$90 289
12 Ongoing training	\$2 000			\$48 000	\$48 000	\$8 000	\$32 000	\$8 000
13 Off-Hour emergency @10%			\$127 616		\$127 616		\$67 479	\$40 137
14 Supervisors	\$76 030	3,000	\$228 090		\$228 090		\$156 352	\$71 738
15 Support staff	\$41 053	4,000	\$164 212		\$164 212		\$112 565	\$51 647
Services Formula								
Foster care trainer / Recruit								
16 support / Placement resource	\$67 319	2,000	\$134 638		\$134 638		\$134 638	
17 Guardianship social worker	\$67 319	2,000	\$134 638		\$134 638		\$134 638	
18 Child Protection workers	\$67 319	3,000	\$201 957		\$201 957		\$201 957	
19 Community Co-ordinator	\$76 030	1,000	\$76 030		\$76 030	\$0	0	\$76 030
20 Family Support workers (prevention worker)	\$67 319	3,000	\$201 957		\$201 957			\$201 957
21 Intake/Investigation Line	\$67 319	2,000	\$134 638		\$134 638		\$134 638	
22 Service purchase @\$175/child	\$175			\$179 900	\$179 900		\$89 950	\$89 950
23 Travel for all staff	\$11 500			\$195 500	\$195 500	\$46 000	\$103 500	\$46 000
Totals:	\$933 433	24,000	\$1 985 770	\$866 466	\$2 852 236	\$538 360	\$1 558 358	\$755 518

DRAFT For Discussion

AGENCY NAME: Scw'Ex'Mx Child and Family Services
Member First Nations and 0-18 Population
Single Band Agency
number of children serviced by agency
Children in care - 13/14 Actuals
Multiple problem families

371
371
34
25

Provincial Front Line Social Worker Average Salary (April 5, 2015) \$67 319
Provincial Social Worker Supervisor Average Salary (April 5, 2015) \$76 030
Provincial Support Worker Average Salary (April 5, 2015) \$48 637
Administrative Support (April 5, 2015) \$41 053

Administrative Formula	FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed	Variable	
						Agency Core	Protection	Prevention / Least Disruptive Measures
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000		
2 Director	\$80 000	1,000	\$80 000		\$80 000	\$80 000		
3 HR Staff	\$50 053	1,000	\$50 053		\$50 053	\$50 053		
4 Administrative/Financial support	\$41 053	1,000	\$41 053		\$41 053	\$41 053		
5 Financial Manager	\$73 744	1,000	\$73 744		\$73 744	\$73 744		
6 Evaluation (Footnote 1)	\$10 200			\$10 200	\$10 200	\$10 200		
7 Audit	\$15 000			\$15 000	\$15 000	\$15 000		
8 Insurance	\$40 000			\$40 000	\$40 000	\$40 000		
9 Legal	\$30 000			\$30 000	\$30 000	\$30 000		
10 Admin overhead @15%				\$171 052	\$171 052	\$44 238	\$88 937	\$37 877
11 Benefits @20.45%			\$193 608		\$193 608	\$50 072	\$100 665	\$42 871
12 Ongoing training	\$2 000			\$28 000	\$28 000	\$8 000	\$16 000	\$4 000
13 Off-Hour emergency @10%			\$63 808		\$63 808		\$44 750	\$19 058
14 Supervisors	\$76 030	1,000	\$76 030		\$76 030		\$53 321	\$22 709
15 Support staff	\$41 053	2,000	\$82 106		\$82 106		\$57 583	\$24 523
Services Formula								
16 Foster care trainer / Recruit support / Placement resource	\$67 319	1,000	\$67 319		\$67 319		\$67 319	
17 Guardianship social worker	\$67 319	1,000	\$67 319		\$67 319		\$67 319	
18 Child Protection workers	\$67 319	2,000	\$134 638		\$134 638		\$134 638	
19 Community Co-ordinator	\$76 030	1,000	\$76 030		\$76 030	\$0	0	\$76 030
20 Family Support workers (prevention worker)	\$67 319	1,000	\$67 319		\$67 319			\$67 319
21 Intake/Investigation Line	\$67 319	1,000	\$67 319		\$67 319		\$67 319	
22 Service purchase @\$175/child	\$175			\$64 925	\$64 925		\$32 463	\$32 463
23 Travel for all staff	\$11 500			\$103 500	\$103 500	\$23 000	\$57 500	\$23 000
Totals:	\$933 433	14,000	\$1 140 346	\$512 677	\$1 653 023	\$515 360	\$787 813	\$349 849
Small Scale Adjustment (43.75%)						\$225 470.00		

AGENCY NAME: Fraser Valley Aboriginal Children and Family Services Society

Member First Nations and 0-18 Population

Single Band Agency 824
number of children serviced by agency 824
in care based on 6.0% 49
Multiple problem families 55

DRAFT For Discussion

Provincial Front Line Social Worker Average Salary (April 5, 2015) \$67 319
Provincial Social Worker Supervisor Average Salary (April 5, 2015) \$76 030
Provincial Support Worker Average Salary (April 5, 2015) \$48 637
Administrative Support (April 5, 2015) \$41 053

Administrative Formula	FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed	Variable	
						Agency Core	Protection	Prevention / Least Disruptive Measures
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000		
2 Director	\$80 000	1,000	\$80 000		\$80 000	\$80 000		
3 HR Staff	\$50 053	1,000	\$50 053		\$50 053	\$50 053		
4 Administrative/Financial support	\$41 053	1,000	\$41 053		\$41 053	\$41 053		
5 Financial Manager	\$73 744	1,000	\$73 744		\$73 744	\$73 744		
6 Evaluation (Footnote 1)	\$10 200			\$10 200	\$10 200	\$10 200		
7 Audit	\$15 000			\$15 000	\$15 000	\$15 000		
8 Insurance	\$40 000			\$40 000	\$40 000	\$40 000		
9 Legal	\$30 000			\$30 000	\$30 000	\$30 000		
10 Admin overhead @ 15%				\$254 528	\$254 528	\$44 238	\$153 702	\$56 587
11 Benefits @ 20.45%			\$288 091		\$288 091	\$50 072	\$173 970	\$64 049
12 Ongoing training	\$2 000			\$41 000	\$41 000	\$8 000	\$27 000	\$6 000
13 Off-Hour emergency @ 10%			\$105 810		\$105 810		\$77 337	\$28 473
14 Supervisors	\$76 030	2,000	\$152 060		\$152 060		\$111 142	\$40 918
15 Support staff	\$41 053	3,000	\$123 159		\$123 159		\$90 018	\$33 141
Services Formula								
Foster care trainer / Recruit								
16 support / Placement resource	\$67 319	2,000	\$134 638		\$134 638		\$134 638	
17 Guardianship social worker	\$67 319	1,500	\$100 979		\$100 979		\$100 979	
18 Child Protection workers	\$67 319	3,000	\$201 957		\$201 957		\$201 957	
19 Community Co-ordinator	\$76 030	1,000	\$76 030		\$76 030	\$0	0	\$76 030
20 Family Support workers (prevention worker)	\$67 319	2,000	\$134 638		\$134 638			\$134 638
21 Intake/Investigation Line	\$67 319	2,000	\$134 638		\$134 638		\$134 638	
22 Service purchase @ \$175/child	\$175			\$144 200	\$144 200		\$72 100	\$72 100
23 Travel for all staff	\$11 500			\$166 750	\$166 750	\$34 500	\$97 750	\$34 500
Totals:	\$933 433	20,500	\$1 696 850	\$751 678	\$2 448 528	\$526 860	\$1 375 231	\$546 437

DRAFT For Discussion

AGENCY NAME: Carrier Sekani
Member First Nations and 0-18 Population
Single Band Agency 947
Number of children serviced by agency 947
Children in care based on 6.0% 57
Multiple problem families 63

Provincial Front Line Social Worker Average Salary (April 5, 2015) \$67 319
Provincial Social Worker Supervisor Average Salary (April 5, 2015) \$76 030
Provincial Support Worker Average Salary (April 5, 2015) \$48 637
Administrative Support (April 5, 2015) \$41 053

Administrative Formula	FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed	Variable	
						Agency Core	Protection	Prevention / Least Disruptive Measures
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000		
2 Director	\$80 000	1,000	\$80 000		\$80 000	\$80 000		
3 HR Staff	\$50 053	1,000	\$50 053		\$50 053	\$50 053		
4 Administrative/Financial support	\$41 053	1,000	\$41 053		\$41 053	\$41 053		
5 Financial Manager	\$73 744	1,000	\$73 744		\$73 744	\$73 744		
6 Evaluation (Footnote 1)	\$10 200			\$10 200	\$10 200	\$10 200		
7 Audit	\$15 000			\$15 000	\$15 000	\$15 000		
8 Insurance	\$40 000			\$40 000	\$40 000	\$40 000		
9 Legal	\$30 000			\$30 000	\$30 000	\$30 000		
10 Admin overhead @15%				\$157 673	\$157 673	\$44 238	\$37 013	\$76 421
11 Benefits @20.45%			\$178 464		\$178 464	\$50 072	\$41 894	\$86 499
12 Ongoing training	\$2 000			\$26 000	\$26 000	\$8 000	\$10 000	\$8 000
13 Off-Hour emergency @10%			\$57 076		\$57 076		\$18 624	\$38 452
14 Supervisors	\$76 030	1,000	\$76 030		\$76 030		\$24 808	\$51 222
15 Support staff	\$41 053	2,000	\$82 106		\$82 106		\$26 791	\$55 315
Services Formula								
16 Foster care trainer / Recruit support / Placement resource	\$67 319	0,000	\$0		\$0		\$0	
17 Guardianship social worker	\$67 319	2,000	\$134 638		\$134 638		\$134 638	
18 Child Protection workers	\$67 319	0,000	\$0		\$0		\$0	
19 Community Co-ordinator	\$76 030	1,000	\$76 030		\$76 030	\$0	\$0	\$76 030
20 Family Support workers (prevention worker)	\$67 319	3,000	\$201 957		\$201 957			\$201 957
21 Intake/Investigation Line	\$67 319	0,000	\$0		\$0		\$0	
22 Service purchase @\$175/child	\$175			\$165 725	\$165 725		\$82 863	\$82 863
23 Travel for all staff	\$11 500			\$92 000	\$92 000	\$23 000	\$23 000	\$46 000
Totals:	\$933 433	13,000	\$1 051 151	\$586 598	\$1 637 749	\$515 360	\$399 631	\$722 759

DRAFT For Discussion

AGENCY NAME: Secwepemc Child and Family Services
Member First Nations and 0-18 Population
Single Band Agency 600
number of children serviced by agency 600
in care based on 6.0% 36
Multiple problem families 40

Provincial Front Line Social Worker Average Salary (April 5, 2015) \$67 319
Provincial Social Worker Supervisor Average Salary (April 5, 2015) \$76 030
Provincial Support Worker Average Salary (April 5, 2015) \$48 637
Administrative Support (April 5, 2015) \$41 053

	FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed	Variable	
						Agency Core	Protection	Prevention / Least Disruptive Measures
Administrative Formula								
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000		
2 Director	\$80 000	1,000	\$80 000		\$80 000	\$80 000		
3 HR Staff	\$50 053	1,000	\$50 053		\$50 053	\$50 053		
4 Administrative/Financial support	\$41 053	1,000	\$41 053		\$41 053	\$41 053		
5 Financial Manager	\$73 744	1,000	\$73 744		\$73 744	\$73 744		
6 Evaluation (Footnote 1)	\$10 200			\$10 200	\$10 200	\$10 200		
7 Audit	\$15 000			\$15 000	\$15 000	\$15 000		
8 Insurance	\$40 000			\$40 000	\$40 000	\$40 000		
9 Legal	\$30 000			\$30 000	\$30 000	\$30 000		
10 Admin overhead @ 15%				\$207 700	\$207 700	\$44 238	\$100 538	\$62 924
11 Benefits @ 20.45%			\$235 089		\$235 089	\$50 072	\$113 795	\$71 222
12 Ongoing training	\$2 000			\$34 000	\$34 000	\$8 000	\$20 000	\$6 000
13 Off-Hour emergency @ 10%			\$82 248		\$82 248		\$50 587	\$31 661
14 Supervisors	\$76 030	2,000	\$152 060		\$152 060		\$93 525	\$58 535
15 Support staff	\$41 053	3,000	\$123 159		\$123 159		\$75 749	\$47 410
Services Formula								
Foster care trainer / Recruit support / Placement resource	\$67 319	1,000	\$67 319		\$67 319		\$67 319	
17 Guardianship social worker	\$67 319	1,000	\$67 319		\$67 319		\$67 319	
18 Child Protection workers	\$67 319	2,000	\$134 638		\$134 638		\$134 638	
19 Community Co-ordinator	\$76 030	1,000	\$76 030		\$76 030	\$0	0	\$76 030
20 Family Support workers (prevention worker)	\$67 319	2,000	\$134 638		\$134 638			\$134 638
21 Intake/Investigation Line	\$67 319	1,000	\$67 319		\$67 319		\$67 319	
22 Service purchase @\$175/child	\$175			\$105 000	\$105 000		\$52 500	\$52 500
23 Travel for all staff	\$11 500			\$126 500	\$126 500	\$34 500	\$57 500	\$34 500
Totals:	\$933 433	17,000	\$1 384 669	\$618 400	\$2 003 069	\$526 860	\$900 789	\$575 420
Small Scale Adjustment (75%)						\$395 145,00		

DRAFT For Discussion

AGENCY NAME: Northwest Inter-Nation Family and Community Service Society

Member First Nations and 0-18 Population

Single Band Agency 917
number of children serviced by agency 917
in care based on 6.0% 55
Multiple problem families 61

Provincial Front Line Social Worker Average Salary (April 5, 2015) \$67 319
Provincial Social Worker Supervisor Average Salary (April 5, 2015) \$76 030
Provincial Support Worker Average Salary (April 5, 2015) \$48 637
Administrative Support (April 5, 2015) \$41 053

Administrative Formula	FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed	Variable	
						Agency Core	Protection	Prevention / Least Disruptive Measures
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000		
2 Director	\$80 000	1,000	\$80 000		\$80 000	\$80 000		
3 HR Staff	\$50 053	1,000	\$50 053		\$50 053	\$50 053		
4 Administrative/Financial support	\$41 053	1,000	\$41 053		\$41 053	\$41 053		
5 Financial Manager	\$73 744	1,000	\$73 744		\$73 744	\$73 744		
6 Evaluation (Footnote 1)	\$10 200			\$10 200	\$10 200	\$10 200		
7 Audit	\$15 000			\$15 000	\$15 000	\$15 000		
8 Insurance	\$40 000			\$40 000	\$40 000	\$40 000		
9 Legal	\$30 000			\$30 000	\$30 000	\$30 000		
10 Admin overhead @ 15%				\$157 673	\$157 673	\$44 238	\$37 013	\$76 421
11 Benefits @ 20.45%			\$178 464		\$178 464	\$50 072	\$41 894	\$86 499
12 Ongoing training	\$2 000			\$26 000	\$26 000	\$8 000	\$10 000	\$8 000
13 Off-Hour emergency @ 10%			\$57 076		\$57 076		\$18 624	\$38 452
14 Supervisors	\$76 030	1,000	\$76 030		\$76 030		\$24 808	\$51 222
15 Support staff	\$41 053	2,000	\$82 106		\$82 106		\$28 791	\$55 315
Services Formula								
Foster care trainer / Recruit								
16 support / Placement resource	\$67 319	0,000	\$0		\$0		\$0	
17 Guardianship social worker	\$67 319	2,00	\$134 638		\$134 638		\$134 638	
18 Child Protection workers	\$67 319	0,000	\$0		\$0		\$0	
19 Community Co-ordinator	\$76 030	1,000	\$76 030		\$76 030	\$0	0	\$76 030
20 Family Support workers (prevention worker)	\$67 319	3,000	\$201 957		\$201 957			\$201 957
21 Intake/Investigation Line	\$67 319	0,000	\$0		\$0		\$0	
22 Service purchase @ \$175/child	\$175			\$160 475	\$160 475		\$80 238	\$80 238
23 Travel for all staff	\$11 500			\$92 000	\$92 000	\$23 000	\$23 000	\$46 000
Totals:	\$933 433	13,000	\$1 051 151	\$581 348	\$1 632 499	\$515 360	\$397 006	\$720 134

DRAFT For Discussion

AGENCY NAME: Niituu, D

Member First Nations and 0-18 Population

Single Band Agency

number of children serviced by agency

in care based on 6.0%

Multiple problem families

746

746

45

50

Provincial Front Line Social Worker Average Salary (April 5, 2015)

\$67 319

Provincial Social Worker Supervisor Average Salary (April 5, 2015)

\$76 030

Provincial Support Worker Average Salary (April 5, 2015)

\$48 637

Administrative Support (April 5, 2015)

\$41 053

Administrative Formula	FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed	Variable	
						Agency Core	Protection	Prevention / Least Disruptive Measures
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000		
2 Director	\$80 000	1,000	\$80 000		\$80 000	\$80 000		
3 HR Staff	\$50 053	1,000	\$50 053		\$50 053	\$50 053		
4 Administrative/Financial support	\$41 053	1,000	\$41 053		\$41 053	\$41 053		
5 Financial Manager	\$73 744	1,000	\$73 744		\$73 744	\$73 744		
6 Evaluation (Footnote 1)	\$10 200			\$10 200	\$10 200	\$10 200		
7 Audit	\$15 000			\$15 000	\$15 000	\$15 000		
8 Insurance	\$40 000			\$40 000	\$40 000	\$40 000		
9 Legal	\$30 000			\$30 000	\$30 000	\$30 000		
10 Admin overhead @15%				\$129 445	\$129 445	\$44 238	\$27 609	\$57 598
11 Benefits @20.45%			\$146 515		\$146 515	\$50 072	\$31 249	\$65 194
12 Ongoing training	\$2 000			\$21 000	\$21 000	\$8 000	\$7 000	\$6 000
13 Off-Hour emergency @10%			\$42 873		\$42 873		\$13 892	\$28 981
14 Supervisors	\$76 030	1,000	\$76 030		\$76 030		\$24 635	\$51 395
15 Support staff	\$41 053	1,000	\$41 053		\$41 053		\$13 302	\$27 751
Services Formula								
Foster care trainer / Recruit								
16 support / Placement resource	\$67 319	0,000	\$0		\$0		\$0	
17 Guardianship social worker	\$67 319	1,50	\$100 979		\$100 979		\$100 979	
18 Child Protection workers	\$67 319	0,000	\$0		\$0		\$0	
19 Community Co-ordinator	\$76 030	1,000	\$76 030		\$76 030	\$0	0	\$76 030
20 Family Support workers (prevention worker)	\$67 319	2,000	\$134 638		\$134 638			\$134 638
21 Intake/Investigation Line	\$67 319	0,000	\$0		\$0		\$0	
22 Service purchase @\$175/child	\$175			\$130 550	\$130 550		\$65 275	\$65 275
23 Travel for all staff	\$11 500			\$74 750	\$74 750	\$23 000	\$17 250	\$34 500
Totals:	\$933 433	10,500	\$862 968	\$500 945	\$1 363 913	\$515 360	\$301 190	\$547 362
Small Size Adjustment (93.75%)						\$483 150,00		

AGENCY NAME: Ktunaxa?Kinbasket Tribal Council

Member First Nations and 0-18 Population

Single Band Agency

189

number of children serviced by agency

189

Children in care - 13/14 Actuals

12

Multiple problem families

13

Provincial Front Line Social Worker Average Salary (April 5, 2015)

\$67 319

Provincial Social Worker Supervisor Average Salary (April 5, 2015)

\$76 030

Provincial Support Worker Average Salary (April 5, 2015)

\$48 637

Administrative Support (April 5, 2015)

\$41 053

Administrative Formula	FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed			Variable	
						Agency Core	Protection	Prevention / Least Disruptive Measures		
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000				
2 Director	\$80 000	1,000	\$80 000		\$80 000	\$80 000				
3 HR Staff	\$50 053	1,000	\$50 053		\$50 053	\$50 053				
4 Administrative/Financial support	\$41 053	1,000	\$41 053		\$41 053	\$41 053				
5 Financial Manager	\$73 744	1,000	\$73 744		\$73 744	\$73 744				
6 Evaluation (Footnote 1)	\$10 200			\$10 200	\$10 200	\$10 200				
7 Audit	\$15 000			\$15 000	\$15 000	\$15 000				
8 Insurance	\$40 000			\$40 000	\$40 000	\$40 000				
9 Legal	\$30 000			\$30 000	\$30 000	\$30 000				
10 Admin overhead @15%				\$129 445	\$129 445	\$44 238	\$46 014	\$39 193		
11 Benefits @20.45%			\$146 515		\$146 515	\$50 072	\$52 082	\$44 361		
12 Ongoing training	\$2 000			\$21 000	\$21 000	\$8 000	\$9 000	\$4 000		
13 Off-Hour emergency @10%			\$42 873		\$42 873		\$23 153	\$19 720		
14 Supervisors	\$76 030	1,000	\$76 030		\$76 030		\$41 058	\$34 972		
15 Support staff	\$41 053	1,000	\$41 053		\$41 053		\$22 170	\$18 883		
Services Formula										
16 Foster care trainer / Recruit support / Placement resource	\$67 319	0,000	\$0		\$0		\$0			
17 Guardianship social worker	\$67 319	0,50	\$33 660		\$33 660		\$33 660			
18 Child Protection workers	\$67 319	1,000	\$67 319		\$67 319		\$67 319			
19 Community Co-ordinator	\$76 030	1,000	\$76 030		\$76 030	\$0	0	\$76 030		
20 Family Support workers (prevention worker)	\$67 319	1,000	\$67 319		\$67 319			\$67 319		
21 Intake/Investigation Line	\$67 319	1,000	\$67 319		\$67 319		\$67 319			
22 Service purchase @\$175/child	\$175			\$33 075	\$33 075		\$16 538	\$16 538		
23 Travel for all staff	\$11 500			\$74 750	\$74 750	\$23 000	\$28 750	\$23 000		
Totals:	\$933 433	10,500	\$862 968	\$403 470	\$1 266 438	\$515 360	\$407 062	\$344 016		
Small Scale Adjustment (25%)						\$128 840,00				

AGENCY NAME: Heiltsuk Kaxla Child and Family Services

Member First Nations and 0-18 Population

Single Band Agency

number of children serviced by agency

in care based on 6.0%

multiple problem families

307

307

18

20

Provincial Front Line Social Worker Average Salary (April 5, 2015)

\$67 319

Provincial Social Worker Supervisor Average Salary (April 5, 2015)

\$76 030

Provincial Support Worker Average Salary (April 5, 2015)

\$48 637

Administrative Support (April 5, 2015)

\$41 053

Administrative Formula	FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed			Variable	
						Agency Core	Protection	Prevention / Least Disruptive Measures		
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000				
2 Director	\$80 000	1,000	\$80 000		\$80 000	\$80 000				
3 HR Staff	\$50 053	0,000	\$0		\$0	\$0				
4 Administrative/Financial support	\$41 053	1,000	\$41 053		\$41 053	\$41 053				
5 Financial Manager	\$73 744	1,000	\$73 744		\$73 744	\$73 744				
6 Evaluation (Footnote 1)	\$10 200			\$10 200	\$10 200	\$10 200				
7 Audit	\$15 000			\$15 000	\$15 000	\$15 000				
8 Insurance	\$40 000			\$40 000	\$40 000	\$40 000				
9 Legal	\$30 000			\$30 000	\$30 000	\$30 000				
10 Admin overhead @ 15%				\$78 795	\$78 795	\$35 195	\$0	\$43 600		
11 Benefits @ 20.45%			\$89 185		\$89 185	\$39 836	\$0	\$49 349		
12 Ongoing training	\$2 000			\$12 000	\$12 000	\$6 000	\$2 000	\$4 000		
13 Off-Hour emergency @ 10%			\$21 938		\$21 938		\$0	\$21 938		
14 Supervisors	\$76 030	1,000	\$76 030		\$76 030		\$0	\$76 030		
15 Support staff	\$41 053	0,000	\$0		\$0		\$0	\$0		
Services Formula										
Foster care trainer / Recruit support / Placement resource	\$67 319	0,000	\$0		\$0		\$0			
17 Guardianship social worker	\$67 319	0,000	\$0		\$0		\$0			
18 Child Protection workers	\$67 319	0,000	\$0		\$0		\$0			
19 Community Co-ordinator	\$76 030	1,000	\$76 030		\$76 030	\$0	\$0	\$76 030		
20 Family Support workers (prevention worker)	\$67 319	1,000	\$67 319		\$67 319			\$67 319		
21 Intake/Investigation Line	\$67 319	0,000	\$0		\$0		\$0			
22 Service purchase @\$175/child	\$175			\$53 725	\$53 725		\$26 863	\$26 863		
23 Travel for all staff	\$11 500			\$46 000	\$46 000	\$23 000	\$0	\$23 000		
Totals:	\$933 433	6,000	\$525 299	\$335 720	\$861 019	\$444 028	\$28 863	\$388 128		
Small Agency Adjustment (37.5%)						\$166 510.50				

AGENCY NAME: Nezul Be Hunuyeh C &FS

Member First Nations and 0-18 Population

Single Band Agency

number of children serviced by agency

en in care - 13/14 Actuals

multiple problem families

307

307

25

20

Provincial Front Line Social Worker Average Salary (April 5, 2015)

\$67 319

Provincial Social Worker Supervisor Average Salary (April 5, 2015)

\$76 030

Provincial Support Worker Average Salary (April 5, 2015)

\$48 637

Administrative Support (April 5, 2015)

\$41 053

Administrative Formula	FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed			Variable	
						Agency Core	Protection	Prevention / Least Disruptive Measures		
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000				
2 Director	\$80 000	1,000	\$80 000		\$80 000	\$80 000				
3 HR Staff	\$50 053	0,000	\$0		\$0	\$0				
4 Administrative/Financial support	\$41 053	1,000	\$41 053		\$41 053	\$41 053				
5 Financial Manager	\$73 744	1,000	\$73 744		\$73 744	\$73 744				
6 Evaluation (Footnote 1)	\$10 200			\$10 200	\$10 200	\$10 200				
7 Audit	\$15 000			\$15 000	\$15 000	\$15 000				
8 Insurance	\$40 000			\$40 000	\$40 000	\$40 000				
9 Legal	\$30 000			\$30 000	\$30 000	\$30 000				
10 Admin overhead @ 15%				\$100 333	\$100 333	\$35 195	\$20 815	\$44 323		
11 Benefits @ 20.45%			\$113 564		\$113 564	\$39 836	\$23 560	\$50 168		
12 Ongoing training	\$2 000			\$16 000	\$16 000	\$6 000	\$6 000	\$4 000		
13 Off-Hour emergency @ 10%			\$32 775		\$32 775		\$10 473	\$22 302		
14 Supervisors	\$76 030	1,000	\$76 030		\$76 030		\$24 295	\$51 735		
15 Support staff	\$41 053	1,000	\$41 053		\$41 053		\$13 118	\$27 935		
Services Formula										
16 Foster care trainer / Recruit support / Placement resource	\$67 319	0,000	\$0		\$0		\$0			
17 Guardianship social worker	\$67 319	1,00	\$67 319		\$67 319		\$67 319			
18 Child Protection workers	\$67 319	0,000	\$0		\$0		\$0			
19 Community Co-ordinator	\$76 030	1,000	\$76 030		\$76 030	\$0	0	\$76 030		
20 Family Support workers (prevention worker)	\$67 319	1,000	\$67 319		\$67 319			\$67 319		
21 Intake/Investigation Line	\$67 319	0,000	\$0		\$0		\$0			
22 Service purchase @\$175/child	\$175			\$53 725	\$53 725		\$26 863	\$26 863		
23 Travel for all staff	\$11 500			\$57 500	\$57 500	\$23 000	\$11 500	\$23 000		
Totals:	\$933 433	8,000	\$668 887	\$372 758	\$1 041 645	\$444 028	\$203 943	\$393 674		

Small Agency Adjustment (37.5%)

\$166 510.50

AGENCY NAME: Namgis

Member First Nations and 0-18 Population

Single Band Agency

number of children serviced by agency

en in care based on 6.0%

Multiple problem families

234

234

14

16

Provincial Front Line Social Worker Average Salary (April 5, 2015)

\$67 319

Provincial Social Worker Supervisor Average Salary (April 5, 2015)

\$76 030

Provincial Support Worker Average Salary (April 5, 2015)

\$48 637

Administrative Support (April 5, 2015)

\$41 053

Administrative Formula	FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed	Variable	
						Agency Core	Protection	Prevention / Least Disruptive Measures
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000		
2 Director	\$80 000	1,000	\$80 000		\$80 000	\$80 000		
3 HR Staff	\$50 053	0,000	\$0		\$0	\$0		
4 Administrative/Financial support	\$41 053	1,000	\$41 053		\$41 053	\$41 053		
5 Financial Manager	\$73 744	1,000	\$73 744		\$73 744	\$73 744		
6 Evaluation (Footnote 1)	\$10 200			\$10 200	\$10 200	\$10 200		
7 Audit	\$15 000			\$15 000	\$15 000	\$15 000		
8 Insurance	\$40 000			\$40 000	\$40 000	\$40 000		
9 Legal	\$30 000			\$30 000	\$30 000	\$30 000		
10 Admin overhead @ 15%				\$78 795	\$78 795	\$35 195	\$0	\$43 600
11 Benefits @ 20.45%			\$89 185		\$89 185	\$39 836	\$0	\$49 349
12 Ongoing training	\$2 000			\$12 000	\$12 000	\$6 000	\$2 000	\$4 000
13 Off-Hour emergency @ 10%			\$21 938		\$21 938		\$0	\$21 938
14 Supervisors	\$76 030	1,000	\$76 030		\$76 030		\$0	\$76 030
15 Support staff	\$41 053	0,000	\$0		\$0		\$0	\$0
Services Formula								
16 Foster care trainer / Recruit support / Placement resource	\$67 319	0,000	\$0		\$0		\$0	
17 Guardianship social worker	\$67 319	0,000	\$0		\$0		\$0	
18 Child Protection workers	\$67 319	0,000	\$0		\$0		\$0	
19 Community Co-ordinator	\$76 030	1,000	\$76 030		\$76 030	\$0	\$0	\$76 030
20 Family Support workers (prevention worker)	\$67 319	1,000	\$67 319		\$67 319			\$67 319
21 Intake/Investigation Line	\$67 319	0,000	\$0		\$0		\$0	
22 Service purchase @\$175/child	\$175			\$40 950	\$40 950		\$20 475	\$20 475
23 Travel for all staff	\$11 500			\$46 000	\$46 000	\$23 000	\$0	\$23 000
Totals:		6,000	\$525 299	\$322 945	\$848 244	\$444 028	\$22 475	\$381 741
Small Agency Adjustment (25%)						\$111 007,00		

AGENCY NAME: Haida Child and Family Services Society
Member First Nations and 0-18 Population
Single Band Agency **352**
Total number of children serviced by agency **352**
en in care based on 6.0% **21**
le problem families **23**

Provincial Front Line Social Worker Average Salary (April 5, 2015) \$67 319
Provincial Social Worker Supervisor Average Salary (April 5, 2015) \$76 030
Provincial Support Worker Average Salary (April 5, 2015) \$48 637
Administrative Support (April 5, 2015) \$41 053

Administrative Formula	FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed	Variable	
						Agency Core	Protection	Prevention / Least Disruptive Measures
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000		
2 Director	\$80 000	1,000	\$80 000		\$80 000	\$80 000		
3 HR Staff	\$50 053	0,000	\$0		\$0	\$0		
4 Administrative/Financial support	\$41 053	1,000	\$41 053		\$41 053	\$41 053		
5 Financial Manager	\$73 744	1,000	\$73 744		\$73 744	\$73 744		
6 Evaluation (Footnote 1)	\$10 200			\$10 200	\$10 200	\$10 200		
7 Audit	\$15 000			\$15 000	\$15 000	\$15 000		
8 Insurance	\$40 000			\$40 000	\$40 000	\$40 000		
9 Legal	\$30 000			\$30 000	\$30 000	\$30 000		
10 Admin overhead @15%				\$78 795	\$78 795	\$35 195	\$0	\$43 600
11 Benefits @20.45%			\$89 185		\$89 185	\$39 836	\$0	\$49 349
12 Ongoing training	\$2 000			\$12 000	\$12 000	\$6 000	\$2 000	\$4 000
13 Off-Hour emergency @10%			\$21 938		\$21 938		\$0	\$21 938
14 Supervisors	\$76 030	1,000	\$76 030		\$76 030		\$0	\$76 030
15 Support staff	\$41 053	0,000	\$0		\$0		\$0	\$0
Services Formula								
16 Foster care trainer / Recruit support / Placement resource	\$67 319	0,000	\$0		\$0		\$0	
17 Guardianship social worker	\$67 319	0,000	\$0		\$0		\$0	
18 Child Protection workers	\$67 319	0,000	\$0		\$0		\$0	
19 Community Co-ordinator	\$76 030	1,000	\$76 030		\$76 030	\$0	\$0	\$76 030
20 Family Support workers (prevention worker)	\$67 319	1,000	\$67 319		\$67 319			\$67 319
21 Intake/Investigation Line	\$67 319	0,000	\$0		\$0		\$0	
22 Service purchase @\$175/child	\$175			\$61 600	\$61 600		\$30 800	\$30 800
23 Travel for all staff	\$11 500			\$46 000	\$46 000	\$23 000	\$0	\$23 000
Totals:		6,000	\$525 299	\$343 595	\$868 894	\$444 028	\$32 800	\$392 066
Small Agency Adjustment (43.75%)						\$194 262,25		

AGENCY NAME: Desnigi Services Society

Member First Nations and 0-18 Population

Single Band Agency

number of children serviced by agency

en in care based on 6.0%

Multiple problem families

658

658

39

44

Provincial Front Line Social Worker Average Salary (April 5, 2015)

\$67 319

Provincial Social Worker Supervisor Average Salary (April 5, 2015)

\$76 030

Provincial Support Worker Average Salary (April 5, 2015)

\$48 637

Administrative Support (April 5, 2015)

\$41 053

Administrative Formula	FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed			Variable	
						Agency Core	Protection	Prevention / Least Disruptive Measures		
1 Board of Directors	\$50 000			\$50 000	\$50 000	\$50 000				
2 Director	\$80 000	1,000	\$80 000		\$80 000	\$80 000				
3 HR Staff	\$50 053	0,000	\$0		\$0	\$0				
4 Administrative/Financial support	\$41 053	1,000	\$41 053		\$41 053	\$41 053				
5 Financial Manager	\$73 744	1,000	\$73 744		\$73 744	\$73 744				
6 Evaluation (Footnote 1)	\$10 200			\$10 200	\$10 200	\$10 200				
7 Audit	\$15 000			\$15 000	\$15 000	\$15 000				
8 Insurance	\$40 000			\$40 000	\$40 000	\$40 000				
9 Legal	\$30 000			\$30 000	\$30 000	\$30 000				
10 Admin overhead @ 15%				\$92 174	\$92 174	\$35 195	\$0	\$56 979		
11 Benefits @20.45%			\$104 329		\$104 329	\$39 836	\$0	\$64 493		
12 Ongoing training	\$2 000			\$14 000	\$14 000	\$6 000	\$2 000	\$6 000		
13 Off-Hour emergency @ 10%			\$28 670		\$28 670		\$0	\$28 670		
14 Supervisors	\$76 030	1,000	\$76 030		\$76 030		\$0	\$76 030		
15 Support staff	\$41 053	0,000	\$0		\$0		\$0	\$0		
Services Formula										
16 Foster care trainer / Recruit support / Placement resource	\$67 319	0,000	\$0		\$0		\$0			
17 Guardianship social worker	\$67 319	0,000	\$0		\$0		\$0			
18 Child Protection workers	\$67 319	0,000	\$0		\$0		\$0			
19 Community Co-ordinator	\$76 030	1,000	\$76 030		\$76 030	\$0	\$0	\$76 030		
20 Family Support workers (prevention worker)	\$67 319	2,000	\$134 638		\$134 638			\$134 638		
21 Intake/Investigation Line	\$67 319	0,000	\$0		\$0		\$0			
22 Service purchase @\$175/child	\$175			\$115 150	\$115 150		\$57 575	\$57 575		
23 Travel for all staff	\$11 500			\$57 500	\$57 500	\$23 000	\$0	\$34 500		
Totals:		7,000	\$614 494	\$424 024	\$1 038 518	\$444 028	\$59 575	\$534 915		
Small Agency Adjustment (81.25%)						\$360 772,75				

AGENCY NAME: Ministry of Children and Family Services

Member First Nations and 0-18 Population

Protection Services:					
Total= 84 FN+C3+C4	13 169		6475		
Prevention Services - 84 FN	6 475		388,5	164	552,5
en in care based on 6.0%	790	553			
Multiple problem families	432				

Provincial Front Line Social Worker Average Salary (April 5, 2015)	\$67 319
Provincial Social Worker Supervisor Average Salary (April 5, 2015)	\$76 030
Provincial Support Worker Average Salary (April 5, 2015)	\$48 637
Administrative Support (April 5, 2015)	\$41 053

Administrative Formula	FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed	Variable	
						Agency Core	Protection	Prevention / Least Disruptive Measures
1 Board of Directors	\$50 000				\$0			
2 Director	\$80 000	1	\$80 000		\$80 000	\$80 000		
3 HR Staff	\$50 053	5	\$250 265		\$250 265	\$250 265		
4 Administrative/Financial support	\$41 053	8	\$328 424		\$328 424	\$328 424		
5 Financial Manager	\$73 744	2	\$147 488		\$147 488	\$147 488		
6 Evaluation (Footnote 1)	\$10 200			\$10 200	\$10 200	\$10 200		
7 Audit	\$15 000			\$15 000	\$15 000	\$15 000		
8 Insurance	\$40 000			\$40 000	\$40 000	\$40 000		
9 Legal	\$30 000			\$30 000	\$30 000	\$30 000		
10 Admin overhead @ 15%				\$2 391 155	\$2 391 155	\$145 656	\$1 833 811	\$411 689
11 Benefits @ 20.45%			\$2 706 469		\$2 706 469	\$164 863	\$2 075 629	\$465 977
12 Ongoing training	\$2 000			\$388 000	\$388 000	\$32 000	\$314 000	\$42 000
13 Off-Hour emergency @ 10%			\$1 129 854		\$1 129 854		\$922 707	\$207 147
14 Supervisors	\$76 030	24	\$1 824 720		\$1 824 720		\$1 490 177	\$334 543
15 Support staff	\$41 053	36	\$1 477 908		\$1 477 908		\$1 206 949	\$270 959
Services Formula								
Foster care trainer / Recruit								
16 support / Placement resource	\$67 319	20	\$1 346 380		\$1 346 380		\$1 346 380	
17 Guardianship social worker	\$67 319	26,00	\$1 750 294		\$1 750 294		\$1 750 294	
18 Child Protection workers	\$67 319	40	\$2 692 760		\$2 692 760		\$2 692 760	
19 Community Co-ordinator	\$76 030	6	\$456 180		\$456 180	\$0	0	\$456 180
20 Family Support workers (prevention worker)	\$67 319	15	\$1 009 785		\$1 009 785			\$1 009 785
21 Intake/Investigation Line	\$67 319	11	\$740 509		\$740 509		\$740 509	
22 Service purchase @ \$175/child	\$175			\$1 133 125	\$1 133 125		\$566 563	\$566 563
23 Travel for all staff	\$11 500			\$1 644 500	\$1 644 500	\$287 500	\$1 115 500	\$241 500
Totals:		194	\$15 941 036	\$5 651 980	\$21 593 016	\$1 531 396	\$16 055 279	\$4 006 342

Regional Summary

Member First Nations and 0-18 Population

number of children serviced by agency	18 700
en in care based on 6.0%	1 576
multiple problem families	1 247

Provincial Front Line Social Worker Average Salary (April 5, 2015)	\$67 319
Provincial Social Worker Supervisor Average Salary (April 5, 2015)	\$76 030
Provincial Support Worker Average Salary (April 5, 2015)	\$48 637
Administrative Support (April 5, 2015)	\$41 053

Administrative Formula	FNCFS Funding Formula	# of Staff	Salary	Non-Salary	Totals	Fixed	Variable	
						Agency Core	Protection	Prevention / Least Disruptive Measures
1 Board of Directors	\$50 000	#	\$ 1 680 000,00		\$ 1 680 000,00	\$1 680 000		
2 Director	\$80 000	#	21,000 \$ 1 680 000,00		\$ 1 680 000,00	\$1 680 000		
3 HR Staff	\$50 053	#	20,000 \$ 1 001 060,00		\$ 1 001 060,00	\$1 001 060		
4 Administrative/Financial support	\$41 053	#	28,000 \$ 1 149 484,00		\$ 1 149 484,00	\$1 149 484		
5 Financial Manager	\$73 744	#	22,000 \$ 1 622 368,00		\$ 1 622 368,00	\$1 622 368		

5 Evaluation (Footnote 1)	\$10 200			\$ 214 200,00	\$ 214 200,00	\$214 200		
7 Audit	\$15 000	#		\$ 315 000,00	\$ 315 000,00	\$315 000		
8 Insurance	\$40 000	#		\$ 840 000,00	\$ 840 000,00	\$840 000		
9 Legal	\$30 000	#		\$ 630 000,00	\$ 630 000,00	\$630 000		
10 Admin overhead @ 15%		#		\$ 5 491 076,00	\$ 5 491 076,00	\$985 205	\$2 993 066	\$1 512 804
11 Benefits @20.45%		#	\$ 6 215 164,00		\$ 6 215 164,00	\$1 115 121	\$3 387 751	\$1 712 292
12 Ongoing training	\$2 000	#		\$ 890 000,00	\$ 890 000,00	\$182 000	\$554 000	\$154 000
13 Off-Hour emergency @ 10%		#	\$ 2 267 190,00		\$ 2 267 190,00		\$1 506 002	\$761 188
14 Supervisors	\$76 030	#	49,000	\$ 3 725 470,00	\$ 3 725 470,00		\$2 474 678	\$1 250 792
15 Support staff	\$41 053	#	69,000	\$ 2 832 657,00	\$2 832 657		\$1 881 618	\$951 038
Services Formula								
16 Foster care trainer / Recruit support / Placement resource	\$67 319	#	30,000	\$ 2 019 570,00	\$ 2 019 570,00		\$2 019 570	
17 Guardianship social worker	\$67 319	#	48,000	\$ 3 231 315,00	\$ 3 231 315,00		\$3 231 312	
18 Child Protection workers	\$67 319	#	58,000	\$ 3 904 502,00	\$ 3 904 502,00		\$3 904 502	
19 Community Co-ordinator	\$76 030	#	26,000	\$ 1 976 780,00	\$ 1 976 780,00	\$0	0	\$1 976 780
20 Family Support workers (prevention worker)	\$67 319	#	51,000	\$ 3 433 269,00	\$ 3 433 269,00			\$3 433 269
21 Intake/Investigation Line	\$67 319	#	23,000	\$ 1 548 337,00	\$ 1 548 337,00		\$1 548 337	
22 Service purchase @\$175/child	\$175	#		\$ 3 157 350,00	\$ 3 157 350,00		\$1 578 675	\$1 578 675
23 Travel for all staff	\$11 500	#		\$ 3 519 000,00	\$ 3 519 000,00	\$805 000	\$1 828 500	\$885 500
Totals:		#	445,000	\$38 287 166	\$15 056 626	\$53 343 792	\$8 318 464	\$26 872 624
								\$14 251 734

Note: Total's do not match due to scaling applied to agency core.

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2014-2015 Actuals

2015-2016 Model Adjustments

2014-2015 Actuals		2015-2016 Model Adjustments													
		0-18 pop December 2014	14/15 Core/ Ops Funding (a)	14/15 Prevention Funding (b)	Total Core/Operations	14/15 Maintenance funding (b)	Total Allocation (a+b=c)	Operations	Protection	Prevention	Total	Funding Increase	Operations Increase	Prevention Increase	
Saskatchewan															
Agency Chiefs	9358	1985	\$ 2 148 603	\$ 870 497	\$ 3 019 100	\$2 138 600	\$ 5 157 700	\$ 570 287	\$ 2 386 461	\$ 1 193 864	\$4 150 612	\$ 1 131 512	\$ 808 145	\$ 323 367	
Ahtahkakoop	9356	703	\$ 1 217 186	\$ 298 857	\$ 1 516 023	\$918 045	\$ 2 434 068	\$ 446 916	\$ 944 664	\$ 436 835	\$1 828 415	\$ 312 392	\$ 174 414	\$ 137 978	
Athabasca/Yuthe Dene	9544	1592	\$ 2 065 881	\$ 1 123 819	\$ 3 189 700	\$2 128 130	\$ 5 317 830	\$ 570 287	\$ 1 855 619	\$ 1 323 685	\$3 749 591	\$ 559 891	\$ 360 025	\$ 199 866	
BTC	9088	681	\$ 1 155 686	\$ 308 057	\$ 1 463 723	\$723 530	\$ 2 187 253	\$ 446 916	\$ 942 739	\$ 434 910	\$1 824 565	\$ 360 842	\$ 233 989	\$ 126 853	
Kanawayimik	9246	1610	\$ 2 032 544	\$ 747 482	\$ 2 780 026	\$2 155 425	\$ 4 935 451	\$ 570 287	\$ 1 857 194	\$ 892 400	\$3 319 891	\$ 539 855	\$ 394 937	\$ 144 918	
La Ronge	9227	2685	\$ 2 943 070	\$ 1 496 344	\$ 4 439 414	\$2 210 175	\$ 6 649 589	\$ 570 287	\$ 3 054 504	\$ 1 730 765	\$5 355 556	\$ 916 142	\$ 681 721	\$ 234 421	
Meadow Lake	9217	2899	\$ 3 139 967	\$ 1 485 035	\$ 4 625 002	\$2 037 325	\$ 6 662 327	\$ 570 287	\$ 3 392 454	\$ 1 731 803	\$5 894 544	\$ 1 069 542	\$ 822 774	\$ 246 768	
Montreal Lake	9357	862	\$ 1 517 963	\$ 485 399	\$ 2 003 362	\$1 527 529	\$ 3 530 891	\$ 510 761	\$ 1 183 650	\$ 603 838	\$2 298 249	\$ 294 887	\$ 176 448	\$ 118 439	
Nechapanuk	3037	1487	\$ 1 894 944	\$ 759 819	\$ 2 654 763	\$754 690	\$ 3 409 453	\$ 570 287	\$ 1 736 093	\$ 911 998	\$3 218 378	\$ 563 615	\$ 411 436	\$ 152 179	
Onion Lake	9236	1830	\$ 2 041 041	\$ 857 072	\$ 2 898 113	\$1 935 100	\$ 4 833 213	\$ 570 287	\$ 2 258 163	\$ 1 064 240	\$3 692 690	\$ 994 577	\$ 787 409	\$ 207 188	
Peter Ballantyne	9295	2889	\$ 3 065 532	\$ 1 506 469	\$ 4 592 001	\$8 777 551	\$ 13 369 552	\$ 570 287	\$ 3 501 469	\$ 1 811 151	\$5 682 907	\$ 1 290 906	\$ 986 224	\$ 304 682	
QCFS*	9248	721	\$ 1 190 786	\$ 318 157	\$ 1 508 923	\$896 448	\$ 2 405 371	\$ 446 916	\$ 946 239	\$ 438 410	\$1 631 565	\$ 322 642	\$ 202 389	\$ 120 253	
STC	9542	1792	\$ 2 009 503	\$ 868 834	\$ 2 878 337	\$1 500 000	\$ 4 378 337	\$ 570 287	\$ 2 082 005	\$ 1 057 503	\$3 709 795	\$ 831 458	\$ 642 789	\$ 188 669	
Sturgeon Lake	6272	762	\$ 1 399 276	\$ 446 249	\$ 1 845 525	\$508 030	\$ 2 353 555	\$ 510 761	\$ 1 064 561	\$ 556 678	\$2 132 000	\$ 286 475	\$ 176 046	\$ 110 429	
Touchwood	9190	1755	\$ 1 999 381	\$ 760 919	\$ 2 760 300	\$1 271 255	\$ 4 031 555	\$ 570 287	\$ 2 078 768	\$ 1 049 551	\$3 698 606	\$ 938 306	\$ 649 674	\$ 288 632	
Wahkotowin	3127	702	\$ 1 156 916	\$ 292 607	\$ 1 449 523	\$306 834	\$ 1 755 357	\$ 446 916	\$ 944 576	\$ 436 747	\$1 828 239	\$ 378 716	\$ 234 576	\$ 144 140	
YTC	9329	3127	\$ 3 098 025	\$ 1 563 912	\$ 4 661 937	\$3 198 658	\$ 7 860 595	\$ 629 812	\$ 3 901 365	\$ 1 752 518	\$6 283 695	\$ 1 621 758	\$ 1 433 152	\$ 188 606	
Province of Sask.	9422				\$ -	\$2 652 285	\$ 2 652 285								
Totals			28082	\$ 34 096 244	\$ 14 189 528	\$ 48 285 772	\$35 636 610	\$ 83 924 382	\$ 9 141 868	\$ 34 130 524	\$ 17 426 896	\$ 60 699 288	\$ 12 413 516	\$ 9 765 146	\$ 3 237 368

Current Level of Funding

Agency	OPS Current Funding	With Budget	Difference	60%	70%	80%	Prevention Current Funding	With Budget	Difference	60%	70%	80%	Percentage Decrease due to small agency
AKO	1 317 724,00	2 483 213,76	1 165 489,76	699 293,86	815 842,83	932 391,81	526 710,00	747 601,72	220 891,72	132 535,03	154 624,20	176 713,38	
ATC	978 987,00	1 767 170,72	788 183,72	472 910,23	551 728,60	630 546,98	272 230,00	433 566,36	161 336,36	96 801,82	112 935,45	129 069,09	132 136,23
Bigstone	1 532 031,00	2 768 399,94	1 236 368,94	741 821,36	865 458,26	989 095,15	571 960,00	755 738,72	183 778,72	110 267,23	128 645,10	147 022,98	
Blood Tribe	2 594 374,00	4 768 411,88	2 174 037,88	1 304 422,73	1 521 826,52	1 739 230,30	1 221 960,00	1 548 448,12	326 488,12	195 892,87	228 541,68	261 190,50	
KCWS	2 587 424,00	6 260 189,32	3 672 765,32	2 203 659,19	2 570 935,72	2 938 212,26	1 215 010,00	1 571 011,12	356 001,12	213 600,67	249 200,78	284 800,90	
KTC CFS	1 779 432,00	3 255 313,30	1 475 881,30	885 528,78	1 033 116,91	1 180 705,04	694 600,00	920 266,40	225 666,40	135 359,84	157 966,48	180 533,12	
LRRCN	2 439 360,00	4 528 081,20	2 088 721,20	1 253 232,72	1 462 104,84	1 670 976,96	1 095 520,00	1 387 740,44	292 220,44	175 332,26	204 554,31	233 776,35	
LSLIRC	1 202 290,00	1 993 674,40	791 384,40	474 830,64	553 969,08	633 107,52	416 970,00	580 447,04	163 477,04	98 086,22	114 433,93	130 781,83	
MOTT CFS	1 202 546,00	2 247 344,08	1 044 798,08	626 878,85	731 358,66	835 838,46	417 226,00	591 357,04	174 131,04	104 478,62	121 891,73	139 304,83	
NPTC	1 304 827,00	2 302 401,58	997 574,58	598 544,75	698 302,21	798 059,66	423 320,00	602 032,04	178 712,04	107 227,22	125 098,43	142 969,63	
Pikani	979 787,00	1 768 570,72	788 783,72	473 270,23	552 148,60	631 026,98	273 030,00	434 966,36	161 936,36	97 161,82	113 355,45	129 549,09	66 068,27
Saddle Lake	1 782 776,00	3 431 217,48	1 648 441,48	989 064,89	1 153 909,04	1 318 753,18	697 944,00	926 129,40	228 185,40	136 911,24	159 729,78	182 548,32	
Siksika	1 777 532,00	3 207 605,80	1 430 073,80	858 044,28	1 001 051,66	1 144 059,04	892 700,00	916 941,40	224 241,40	134 544,84	156 968,98	179 393,12	
Stoney	2 116 419,00	4 952 932,24	2 836 513,24	1 701 907,94	1 985 559,27	2 269 210,59	947 330,00	1 248 602,76	301 272,76	180 763,68	210 890,93	241 018,21	
TCCFS East	1 637 115,00	3 114 953,62	1 477 838,62	886 703,17	1 034 487,03	1 182 270,90	671 350,00	905 566,40	234 216,40	140 529,84	163 951,48	187 373,12	
Tsuu T'ina	984 687,00	2 106 016,08	1 121 329,08	672 797,45	784 930,36	897 063,26	277 930,00	450 606,36	172 676,36	103 605,82	120 873,45	138 141,09	66 068,27
WCTC	1 299 877,00	2 249 357,08	949 480,08	569 688,05	664 836,06	759 584,06	418 370,00	593 370,04	175 000,04	105 000,02	122 500,03	140 000,03	
	27 517 188,00	53 204 853,20	25 687 665,20	15 412 599,12	17 981 365,64	20 550 132,16	10 834 160,00	14 614 391,72	3 780 231,72	2 268 139,03	2 646 162,20	3 024 185,38	264 272,77

Total Required each increment 17 680 738,15 20 627 527,84 23 574 317,54 29 467 896,92

Funding Provided by HQ 17 688 573,66 20 636 669,27 23 584 764,88 29 480 956,11
7 835,51 9 141,43 10 447,34 13 059,19

Funding Calculation for Budget 2016 Adjustments

Alberta	Year 1 Funding Increase @ 60%	Year 2 Funding Increase @ 70%	Year 3 Funding Increase @ 80%	Year 4 Funding Increase @ 100%	2016/2017 Funding Increase Q1/Q2	2016/2017 Funding Increase Q3/Q4	2016/2017 Advances Made
					60%	40%	Advance In May Required
AKO	\$ 831 828,89	\$ 970 467,04	\$ 1 109 105,18	\$ 1 386 381	\$ 499 097,33	\$ 332 731,56	
ATC	\$ 569 712,05	\$ 664 664,06	\$ 759 616,06	\$ 949 520	\$ 341 827,23	\$ 227 884,82	406 350,00 \$ 163 382,05
Bigstone	\$ 852 088,59	\$ 994 103,36	\$ 1 136 118,13	\$ 1 420 148	\$ 511 253,15	\$ 340 835,44	
Blood Tribe	\$ 1 500 315,60	\$ 1 750 368,20	\$ 2 000 420,80	\$ 2 500 526	\$ 900 189,36	\$ 600 126,24	
KCWS	\$ 2 417 259,86	\$ 2 820 136,51	\$ 3 223 013,15	\$ 4 028 766	\$ 1 450 355,92	\$ 966 903,95	
KTC CFS	\$ 1 020 928,62	\$ 1 191 083,39	\$ 1 361 238,16	\$ 1 701 548	\$ 612 557,17	\$ 408 371,45	
LRRCN	\$ 1 428 564,98	\$ 1 666 659,15	\$ 1 904 753,31	\$ 2 380 942	\$ 857 138,99	\$ 571 425,99	
LSLIRC	\$ 572 916,86	\$ 668 403,01	\$ 763 889,15	\$ 954 861	\$ 343 750,12	\$ 229 166,75	
MOTT CFS	\$ 731 357,47	\$ 853 250,38	\$ 975 143,30	\$ 1 218 929	\$ 438 814,48	\$ 292 542,99	
NPTC	\$ 705 771,97	\$ 823 400,63	\$ 941 029,30	\$ 1 176 287	\$ 423 463,18	\$ 282 308,79	
Pikani	\$ 570 432,05	\$ 665 504,06	\$ 760 576,06	\$ 960 720	\$ 342 259,23	\$ 228 172,82	400 000,00 \$ 170 432,05
Saddle Lake	\$ 1 125 976,13	\$ 1 313 638,82	\$ 1 501 301,50	\$ 1 876 627	\$ 675 585,88	\$ 450 390,45	

Alberta	2015/2016 Funding as per 2006 Formula	2015/2016 Project Funding	Total Funding Provided
AKO	1 843 834,00		1 843 834,00
ATC	1 250 117,00	300 000,00	1 550 117,00
Bigstone	2 103 091,00	25 000,00	2 128 091,00
Blood Tribe	3 819 334,00		3 819 334,00
KCWS	3 805 234,00	91 632,00	3 896 866,00
KTC CFS	2 472 332,00	74 352,00	2 546 684,00
LRRCN	3 530 880,00		3 530 880,00
LSLIRC	1 619 660,00		1 619 660,00
MOTT CFS	1 619 836,00		1 619 836,00
NPTC	1 728 647,00		1 728 647,00
Pikani	1 255 417,00	64 000,00	1 319 417,00
Saddle Lake	2 479 858,00	28 583,00	2 508 441,00

Siksika	\$ 992 589,12	\$ 1 158 020,64	\$ 1 323 452,16	\$ 1 654 315	\$ 595 553,47	\$ 397 035,65	
Stoney	\$ 1 882 671,60	\$ 2 196 450,20	\$ 2 510 228,80	\$ 3 137 786	\$ 1 129 602,96	\$ 753 068,64	
TCCFS East	\$ 1 027 233,01	\$ 1 198 438,51	\$ 1 369 644,02	\$ 1 712 056	\$ 616 339,81	\$ 410 893,20	
Tsuu T'ina	\$ 776 403,27	\$ 905 803,81	\$ 1 035 204,35	\$ 1 294 005	\$ 465 841,96	\$ 310 561,31	
WCTC	\$ 674 688,07	\$ 787 136,08	\$ 899 584,10	\$ 1 124 480	\$ 404 812,84	\$ 269 875,23	
TOTAL	\$ 17 680 738,15	\$ 20 627 527,84	\$ 23 574 317,54	\$ 29 467 896,92	\$10 608 442,89	\$ 7 072 295,26	

HQ Funding	\$ 17 688 573,66	\$ 20 636 669,27	\$ 23 584 764,88	\$ 29 480 956,11
Surplus	\$ 7 835,51	\$ 9 141,43	\$ 10 447,34	\$ 13 059,19

Funding calculation takes the following into consideration:

Rate increases based on 2014/2015 Provincial salaries with exception of intake/community coordinator
- original formula provided \$75,483 for both positions reduced to \$62,986
Does not include PAS clients
Does not reduce ATC, Piikani or Tsuu T'ina due to small agency
Reduces off hour emergency to 7.75% from 10%
Reduces travel from \$11,500 to \$11,000 per (traveling) worker
Child population is as of Dec 2015
Child in care count for above 6% are based on 2014/2015 as of a point in time
Rate increase to director from \$100,000 to \$110,000
Salary decrease for receptionist/secretary from \$62,986 to \$49,486
Legal increase from \$30,000 to \$33,500

Siksika	2 321 365,00	200 000,00	2 521 365,00
Stoney	3 066 249,00		3 066 249,00
TCCFS East	2 311 665,00	150 500,00	2 462 165,00
Tsuu T'ina	1 259 417,00	250 000,00	1 509 417,00
WCTC	1 717 547,00	87 858,00	1 805 405,00
TOTAL	\$ 38 204 483,00	\$ 1 271 925,00	\$ 39 476 408,00

2016/17 Costing Estimates for EPFA Funding Model Adjustments

Summary	North	South	Total	Estimated Increase
2015/16 Formula Funding Levels	37 214 096	31 003 484	68 217 580	
Formula Adjustment Item				
1. Pop Stats Update - December 2014	37 791 667	31 032 582	68 824 249	606 669
2. Salary Adjustment	39 246 985	32 211 810	71 458 795	2 634 546
3. CIC %age above 7%	41 188 057	35 344 749	76 532 806	5 074 011
4. After Hours - Increase to 10%	42 099 661	36 086 562	78 186 223	1 653 417
5. Travel Adjustment - \$11,500 on Service FTE's	42 535 936	36 451 512	78 987 448	801 225
6. Service Purchase Increase from \$130 to \$175				1 721 378
TOTAL				12 491 246

NOTES:

1. No negatives adjustments were factored into costing, agencies below the 2008 baseline were held at that level.
2. 2013/14 MGEU Salary Scale Levels - **collective agreement expired March 2014. No percentage increase included in costing.**
3. 4 of 15 agencies are above the 7% assumption of children in care - region to administer funds separate from funding model.
4. Calculated on DSW (FE, Placement, Case Workers and Supervisors), after hours adjustment could be used to address intake.
5. Adjustment reflects an increase in amount provided for travel, currently at \$10K/FTE.
7. Protection, FE and Maintenance funding will be re-directed from Dakota Ojibway CFS

Increase By Recipient	Actual 2014/15 EPFA Ops/FE Funding	New Budget Request	Increase to Funding
Northern Agencies			
Awasis Agency	7 930 330	10 931 762	3 001 432
Nikan Awasisik Agency	4 539 855	4 984 995	445 140
Cree Nation Child and Family Caring Agency	6 330 817	6 979 581	648 764
Island Lake Child and Family Services	7 661 438	8 574 189	912 751
Sao Sipi Minisowin Agency	4 433 245	5 106 885	673 640
Nisichawaysihk Cree Nation Wellness Centre	3 646 741	3 982 729	335 988
Opaskwayak Cree Nation CFS Agency	2 671 670	2 956 752	285 082
Sub-Total North	37 214 096	43 516 893	6 302 797
Southern Agencies			
Anishinaabe Child and Family Services	3 483 616	3 799 325	315 709
Dakota Ojibway Child and Family Services	4 945 640	6 163 817	1 218 177
Sandy Bay First Nation Child and Family Services	3 318 238	3 627 400	309 162
Intertribal Child and Family Services	1 934 264	2 095 634	161 370
Peguis Child and Family Services	2 688 774	2 934 965	246 191
Sagkeeng Child and Family Services	2 572 681	2 804 179	231 498
Southeast Child and Family Services	6 751 352	9 856 862	3 105 510
West Region Child and Family Services	5 308 919	5 909 751	600 832
Sub-Total South	31 003 484	37 191 933	6 188 449
Totals	68 217 580	80 708 826	12 491 246

Fiscal Year 2014-2015 Actuals

2015-2016 Model Adjustments

Ontario	0-18 Population	Operations and Protection	Prevention	Sub-Total	Maintenance	Total
Ministry of Community and Social Services		\$57 968 918		\$57 968 918	\$60 737 200	\$118 706 118
Mohawk Council of Akwesasne - QC Side		\$1 317 701		\$1 317 701	\$555 981	\$ 1 873 682
Total		\$57 968 918		\$57 968 918	\$60 737 200	\$118 706 118

Core	Protection	Prevention	Total	Funding Increase
		\$ 15 901 511,81	\$15 901 512	\$15 901 512
\$538 118	\$2 086 578	\$1 055 812	\$3 680 508	\$2 362 807
\$538 118	\$2 086 578	\$16 957 324	\$19 582 020	\$18 264 319

\$1 417 684,20 \$1 653 964,90 \$1 890 245,60 \$2 362 807 \$2 362 807

Funding Methodology Working Discussion

February 11, 2014
DFNA Director Meeting

Objectives

- Review of Outcomes from Dec. 10
- Validate what we heard
- Answer outstanding questions
- Determine a path forward (Building a Business Case)

	2006 FNCFS Formula	Considerations/ What We Heard/Assumptions	Recommendation
Board of 1 directors	\$50,000	Maintain at same level	\$50,000
Secretary 4/Receptionist	\$36,000	Maintain at same level	\$36,000
Evaluation 6 (Footnote 1)		Evaluation funding funded every 3 years in the amount of \$30,600 \$0 as a fixed amount.	\$0
8 Insurance	\$24,000	Maintain at same level	\$24,000

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TO BE DISCUSSED AT DFNA DIRECTORS' MEETING FEB. 10-11, 2014

	2006 FNCFS Formula	Considerations/ What We Heard/Assumptions	Recommendation
Admin overhead 12 (rent, IT etc)		Calculated at 15% of total salary and off-hour emergency service. 15% Standard federal practice.	15%
Benefits 13 (@20%)		Calculated at 20% of total salary. As per prior departmental 20% decision.	20%
Off-Hour emergency 15 service		Calculated at 5% of direct delivery staff (Foster Care Workers, Case Managers, Family Enhancement Workers) May be impacted by additional 5% Intake/Investigators.	5%

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	2006 FNCFS Formula	Considerations/ What We Heard/Assumptions	Recommendation
16 Supervisors	1 for every 6 delivery staff	Maintain at same level	1 for every 6 delivery staff
17 Support staff	1 for every 3 supervisors and direct delivery staff	Maintain at same level	1 for every 3 supervisors and direct delivery staff

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	2006 FNCFS Formula	Considerations/ What We Heard/Assumptions	Recommendation
Foster care workers / permanency workers 20	1 for every 30 children in care	Maintain at same level	1 for every 30 children in care
Foster care trainer / Recruit support / Placement 21 resource	1 per Agency	Maintain at same level	1 per Agency

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	2006 FNCFS Formula	Considerations/ What We Heard/Assumptions	Recommendation
Case managers (child 22 intervention)	1 for every 20 children in care	Maintain at same level	1 for every 20 children in care
Family enhancement 23 workers	1 for every 20 multiple problem families	Maintain at same level	1 for every 20 multiple problem families

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	2006 FNCFS Formula	Considerations/ What We Heard/Assumptions	Recommendation
Travel for 25 service staff		Calculated at \$10,000 per front- \$10,000 line staff and Director	\$10,000
Resource 18 training		\$0 Maintain at same level	\$0

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	2006 FNCFS Formula	Considerations/ What We Heard/Assumptions	Recommendation
7 Audit	\$8,500	Increase to \$15,000 per Agency. Estimated additional impact \$110,500	\$15,000
9 Legal	\$20,000	Increase to \$50,000 per Agency. Estimated additional impact \$510,000	\$50,000

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	2006 FNCFS Formula	Considerations/ What We Heard/Assumptions	Recommendation
Ongoing 14 training	\$2,000	Calculated at \$2,000 per funded position. Estimated additional impact \$1.2M. (based on 403 positions)	\$5,000
Ongoing 19 development	\$0	Discussed to include \$20,000 per Agency for ongoing policy development and review. Estimated additional impact \$340,000	\$20,000

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	2006 FNCFS Formula	Considerations/ What We Heard/Assumptions	Recommendation
Service purchase 24 @\$100/child	\$100/child population	Discussed to increase to \$200/child population. Estimated total impact \$2.4M	\$200/child population

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Salaries

	2006 FNCFS Formula	Considerations/ What We Heard/Assumptions	Recommendation
<ul style="list-style-type: none"> - Front Line - Supervisors - Support Worker 	Currently based on 2006 average provincial salary	Adjust to reflect 19% increase in provincial average salaries since 2006. Estimated total impact salary (\$3.5M), admin overhead (\$519K), and benefits (\$692K) = \$4.7M	Adjust to reflect 19% increase

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Salaries

	2006 FNCFS Formula	Considerations/ What We Heard/Assumptions	Recommendation
2 Director	\$77,000	Proposed to increase to \$127,828 based on top-end senior manager in Alberta Government. Estimated financial impact \$864K.	\$127,828

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Salaries

	2006 FNCFS Formula	Considerations/ What We Heard/Assumptions	Recommendation
NEW: Associate Director /Business Manager		Proposed additional position, 1 per Agency. Salary at \$102,740 based on top- end manager in Alberta Government. Estimated financial impact \$1.7M	

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Human Resources Function

	2006 FNCFS Formula	Considerations/ What We Heard/Assumptions	Recommendation
3 HR Staff	\$39,300	<p>Revise 1 fixed position from HR Staff to HR Manager.</p> <p>Salary \$83,964 based on Provincial ALIS Wage Indicator</p> <p>Estimated total impact on salary (\$760K), admin overhead (\$114K), and benefits (\$152K) =</p>	\$83,964

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Human Resources Function

	2006 FNCFS Formula	Considerations/ What We Heard/Assumptions	Recommendation
NEW: Variable HR Support		<p>Variable based on total staffing composition, less than 15 staff, only HR Manager position above 15 staff then 1:15 staff ratio applied.</p> <p>Salary \$55,000 based ALIS Wage Indicator.</p> <p>Estimated total impact salary (\$3.4M), admin (\$512K), and benefits (\$682K) = \$4.6M (based on 62 positions)</p>	

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Finance Function

	2006 FNCFS Formula	Considerations/ What We Heard/Assumptions	Recommendation
Financial 5 support		<p>Revised 1 fixed position per Agency from Financial Support to Financial Manager.</p> <p>Salary \$87,061 based on ALIS Wage Indicator.</p> <p>Estimated total impact on salary (\$613K), admin (\$92K), and</p> <p>\$51,000 benefits (\$123K) = \$828K.</p>	\$87,061

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Finance Function

	2006 FNCFS Formula	Considerations/ What We Heard/Assumptions	Recommendation
NEW: Variable Financial Support		Variable based on child population; less than 1500 child population = 1 worker, 1500- 2999 = 2 workers, 3000 or greater = 3 positions ALIS Midpoint for Accounting and Related Clerks. Estimated impact on salary (\$998K), admin (\$150K), and benefits (\$200K) = \$1.35M (based on 23 positions)	

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Finance Function

	2006 FNCFS Formula	Considerations/ What We Heard/Assumptions	Recommendation
Local committees @\$2,000/ban 10d	\$0		
Elders committees of 1 per agency, 4-5 members, 4 meetings per year @600 per member 11 per year	\$0	Revised to Family Group Conferencing/Restorative Circles/Elders@\$1000 per member per year. Allocation and or calculation of allocation was not finalized at December 10, 2013 meeting	More discussion required

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Front End Support

	2006 FNCFS Formula	Considerations/ What We Heard/Assumptions	Recommendation
NEW: Intake /Investigator		Discussion around 1 worker for each 6 children in care. Estimated impact on salary (\$19.2M), admin (\$2.9M), and benefits (\$3.8M) = \$25.9M (based on 278 positions) Requires more discussion.	More discussion required

* Note that “compound variables” may increase the financial impact.

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	2006 FNCFS Formula	Considerations/ What We Heard/Assumptions	Recommendation
NEW: Adjustment for Potential to be Registered		Discussion to add 5% to the Registered On Reserve 0-18 population to account for PTBR children. Estimated impact \$1.8M.	

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Outstanding

	2006 FNCFS Formula	Considerations/ What We Heard/Assumptions	Recommendation
Escalator		—	More discussion required
Multiple Problem Families			More discussion required
Remoteness			More discussion required

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Outstanding

- How does the funding formula reflect the shift from Protection work to Preventative work?

Annex B

MANITOBA CHILD & FAMILY SERVICES FUNDING

An Explanatory Guide

Effective: 2010/11 – 2015/16
Last Updated: March 2012

MANITOBA CHILD & FAMILY SERVICES FUNDING:

An Explanatory Guide

1. INTRODUCTION

1.1 Purpose

This guide has been designed to provide information about the funding model for Agencies in Manitoba.

Agencies that provide services to First Nations children and families on-reserve receive funding from both the Province and Aboriginal Affairs and Northern Development Canada (AANDC). All other agencies are solely provincially funded.

This document describes the Manitoba Funding Model for both categories of agencies.

1.2 Transforming Manitoba's Child and Family Services System

It was long recognized that sweeping changes were necessary to improve the child and family services (CFS) system in Manitoba.

In order to improve outcomes for First Nations and Métis children, families and communities, major changes needed to be made in how the system operated and the types of support it could offer to children and families.

An important start was made in the 1980s with First Nations Child and Family Services (FNCFS) agencies delivering services on-reserve. But, as recommended in the 1991 Aboriginal Justice Inquiry Report, the entire system needed to be reformed.

It was in 2000, a decade later, that work began on these recommendations through the Aboriginal Justice Inquiry – Child Welfare Initiative (AJI-CWI). By 2003, historic and unprecedented reforms were well underway, with the proclamation of *The Child and Family Services Authorities Act* and *The Child and Family Services Authorities Regulation*.

The Act created the four CFS Authorities, giving them authority over child and family services in the province, including the mandating and supervision of agencies. The Act also devolved many of the duties of the Director of Child and Family Services to the Authorities. This new delineation of roles is shown in **Appendix 1**. One of the major elements of the new regime was the expansion of the mandate of FNCFS agencies to include the provision of services off-reserve. Between January 2004 and June 2005, 3,627 cases were transferred to the new Authorities. Along with the transfer of cases, resources – both financial and human – were also transferred.

1.3 Legislative Base for Mandated Agencies

Child and Family services are matters of provincial jurisdiction. The Government of Canada supports First Nations through the funding of First Nations Child and Family Services agencies that are delegated under provincial legislation to deliver child and family services on reserve.

In the Province of Manitoba, child protection is governed by three pieces of legislation:

- *The Child and Family Services Act* ([hyperlink](#))
- *The Adoption Act* ([hyperlink](#))
- *The Child and Family Services Authorities Act (CFS Authorities Act)* ([hyperlink](#))

In addition there are a number of regulations under each Act as well as standards, policies, guidelines and directives issued by the Director of Child Welfare and/or the CEO of one or more Child and Family Services Authorities.

Under *The Manitoba Child and Family Services Authorities Act*, each Authority is responsible for ensuring the provision of services to “promote the safety, security and wellbeing of children and families, and protect children in need of protection”. Under *The CFS Authorities Act*, Authority responsibilities include:

- Mandating agencies to deliver services for defined population groups and in defined areas, consistent with legislation, regulations and standards.
- Developing and resourcing culturally appropriate standards for services, practices and procedures across the continuum of child protection and welfare services.
- Providing oversight to agencies within the Authority (see **Table 1** for a list of the four Authorities and their respective agencies).

TABLE 1: CHILD AND FAMILY SERVICES AUTHORITIES AND RESPECTIVE AGENCIES

Authorities	Agencies
First Nations of Northern Manitoba Child and Family Services Authority (Northern Authority) <ul style="list-style-type: none"> Northern Authority agencies have concurrent authority to provide services to members of their communities, regardless of place of residence (on- and off-reserve) 	<ul style="list-style-type: none"> Awasis Agency of Northern Manitoba Cree Nation Child and Family Caring Agency Island Lake First Nations Family Services Kinosao Sipi Minisowin Agency Nikan Awasisak Agency Inc. Nisichawayasihk Cree Nation Family and Community Wellness Centre Opaskwayak Cree Nation Child and Family Services
First Nations of Southern Manitoba Child and Family Services Authority (Southern Authority) <ul style="list-style-type: none"> Southern Authority agencies have concurrent authority to provide services to members of their communities, regardless of place of residence (on- and off-reserve) 	<ul style="list-style-type: none"> Animikii Ozoson, Inc. Anishinaabe Child and Family Services Child and Family All Nations Coordinated Response Network (ANCR) Dakota Ojibway Child and Family services Intertribal Child and Family Services Peguis Child and Family Services Sagkeeng Child and Family Services Sandy Bay Child and Family Services Southeast Child and Family Services West Region Child and Family Services
General Child and Family Services Authority	<ul style="list-style-type: none"> Child and Family Services of Western Manitoba Child and Family Services of Central Manitoba Inc. Jewish Child and Family Service Churchill Child and Family Services Department of Family Services and Labour – Rural and Northern Services Department of Family Services and Labour – Winnipeg Child and Family Services
Metis Child and Family Services Authority	<ul style="list-style-type: none"> Metis Child, Family and Community Services

In Manitoba First Nations Agencies have concurrent authority to provide service to members of their communities, regardless of their place of residence.

1.4 Federal / Provincial Child and Family Services Funding Supports

Historically in Manitoba – as across Canada – there has been a federal / provincial split in financial support for child welfare services, based on cultural heritage and geographic location, with the federal government funding First Nations Agencies for the provision of certain services on reserve in accordance with provincial legislation..

- The current provincial system under which the Province funds the Authorities and the Authorities subsequently fund their agencies, is a direct result of the decisions and the commitments made as part of the Aboriginal Justice Inquiry-Child Welfare Initiative (AJI-CWI), which restructured the service delivery system in Manitoba. *The Child and Family Services Authorities Act* was proclaimed in November 2003.
- The federal government provides funding for child welfare services to First Nations children and families who are ordinarily resident on reserve. However, the federal government has no statutory responsibility for the delivery of child and family services, even in First Nations communities (on-reserve). The federal role is restricted to funding First Nations Agencies for the provision of certain services on reserve in accordance with provincial legislation.

Appendix 1 and **Appendix 2** provides federal, provincial, authority and agency roles in more detail.

2. Evolution of Child & Family Services in Manitoba (2000-2010)

Between 2000 and 2010, there were a number of drivers, internal and external, that collectively, resulted in significant changes being made in the scope of services funded. As well, the provincial government undertook a fundamental restructuring of its CFS delivery system.

Key drivers and initiatives are captured in **Table 2**.

TABLE 2: KEY EVENTS OCCURRING AT THE FEDERAL AND PROVINCIAL LEVEL (2000-2010)

Year	Fed / Prov	Legislation / Mandate / Policy / Funding Initiatives
2000	Federal	The <i>National Policy Review</i> (2000) concluded that prevention services should be a key component of service delivery for children at risk.
2000	Provincial	The <i>Aboriginal Justice Inquiry – Child Welfare Initiative</i> was put in place to develop and subsequently oversee the implementation of a plan to restructure Manitoba's child welfare system, based on the recommendations of the <i>AJI Report</i> , released in 1991. A core feature was the expansion of off-reserve authority for First Nations and the establishment of a province-wide Metis mandate.
2001/02	Provincial	The Province of Manitoba increased funding to First Nations agencies to recognize the importance of working not only with children on reserve but also their families.
2003	Provincial	<i>The Child and Family Services Authorities Act</i> was proclaimed in November 2003 – establishing the four Child and Family Services Authorities (Northern, Southern, Metis, and General).
2003-2005	Provincial	Each Authority received transitional funding for the development of Authority and associated agencies' infrastructure.
2005	Provincial	The Authorities received their mandate to provide services to members of their communities living off-reserve – and the province began the process of transferring cases and associated human and financial resources. This process included funding positions based on MGEU classifications, and increasing funding for supports and monitoring as required under <i>The Child and Family Services Act</i> and <i>The Child and Family Services Authorities Act</i> .
2005	External - Federal	<i>The First Nations Child and Family Caring Society's Wen:de Report</i> . This 2005 report comprised a review of the federal Directive 20-1 and provided recommendations for changing the way the federal government funds child and family services on reserve.
2006	Provincial	Core funding to First Nations Agencies was increased to offset the requirement to remit the Children's Special Allowance (CSA) for

Year	Fed / Prov	Legislation / Mandate / Policy / Funding Initiatives
		provincial jurisdiction children in care.
2006	External - Provincial	External reviews of the provincial child welfare system in Manitoba made a number of funding recommendations, with many pointing to the need to address jurisdictional inequities in funding and the need to increase funding for prevention services (See Appendix 3).
2006	Provincial	<i>Changes for Children</i> provided a multi-year blueprint for bringing about substantial and lasting improvements in the child and family services system. The initiative encompassed a range of activities including: Enhanced supports for the front line including work load relief and increased staffing; improvements to the information systems; increased and new training; investments in response to FASD; strengthened foster care; reduced hotel usage; and improvements to primary prevention and early intervention including Differential Response / Family Enhancement.
2007	Federal	AANDC evaluation of FNCFS completed in February 2007 highlighted that children and families living on reserve would benefit from enhanced prevention programming – and pointed to the need for an enhanced prevention funding methodology.
2007	Federal	AANDC began to work with provinces to ensure best practices in prevention based services were brought to reserves, and to broaden the tool kit of culturally appropriate services. Beginning in 2007, depending on the province, AANDC's funding was expanded to cover such categories as kinship care, post-adoption subsidies and supports to better ensure permanent placements for children.
2007-2010	Federal / Provincial	In 2007, AANDC began to roll out its new Enhanced Prevention Focused Approach to funding on a province-by-province basis. By September 2009, this funding approach was underway in five provinces, with funds being provided in PEI, Quebec, Nova Scotia, Saskatchewan and Alberta. In July 2010, AANDC announced a tripartite Child and Family Services Prevention Framework for the implementation of a 'Made in Manitoba' Enhanced Prevention Focused Approach to child and family services – which included funding adjustments to provide a seamless range of services.
2008	Federal / Provincial	In June 2008, collaborative work began on the development of options for the New Funding Model for Manitoba, with representatives from: Standing Committee (the CEOs of all four Child and Family Services Authorities in Manitoba); Assembly of Manitoba Chiefs; Aboriginal Affairs and Northern Development Canada; Child and Family Service Agencies across the province; and The Province of Manitoba.

Year	Fed / Prov	Legislation / Mandate / Policy / Funding Initiatives
2008	Federal	The Federal Auditor General recommended a new funding formula that would be responsive to the needs of communities and ensure that services provided meet established standards and provincial legislation.
2008-2010	Provincial	During the 2008/09 fiscal year, the Provincial Coordinated Fetal Alcohol Spectrum Disorder (FASD) Strategy was implemented. FASD Specialist positions were established at each CFS Authority, the FASD Strategy Implementation Team (SIT) was put in place, and the Spectrum Connections program was launched. During 2009/10, standards for FASD were implemented and evaluated, new sites were established for the Stop FASD program and pre-and post-diagnostic services were expanded in rural and northern Manitoba.
2008-2010	Provincial	In December 2008, the <i>Reclaiming Hope – A Youth Suicide Prevention Strategy</i> was announced and suicide intervention training provided to over 250 CFS staff, foster parents and other care providers. During 2009/10, the youth crisis stabilization unit was established in Thompson along with the design and provision of trauma training for service providers. This improved access to mental health treatment in rural and northern areas and expanded peer support.
2008-2010	Provincial	In December 10, 2008, along with police, service agencies and Aboriginal organizations, the province launched <i>Tracia's Trust, Manitoba's Sexual Exploitation Strategy</i> . The strategy built onto Manitoba's 2002 strategy and established a stakeholder task force to coordinate and expand the diverse services developed, introducing more awareness and prevention initiatives.
September 2010	Provincial	In September 2010, the Province announced the full implementation of prevention funding and the Differential Response / Family Enhancement approach to increase the focus on primary prevention.

The development of the Manitoba Funding Model and expanded focus on prevention included activities focused on developing and implementing new assessment tools, a new business planning process, new / updated standards, training, improvements to information systems and enhanced quality assurance, accountability and reporting.

The intention of the Manitoba Funding Model is threefold:

- To meet the goal of transparent and reasonably comparable funding regardless of geographic location or source of funding. The Model changes the method in which Authorities and their mandated CFS agencies are funded – and offers a coordinated and harmonized funding formula for all agencies in Manitoba, regardless of their funding source.

- To provide Authorities and their agencies with the resources required to fulfil their mandate, as required by legislation and regulations.
- To offer an enhanced capacity for the child welfare system to provide support services to families where immediate child protection services or the apprehension of a child is not warranted – but where families are struggling with challenges that, if left unaddressed, could result in children being at risk in the future.

The resulting Manitoba Funding Model 2010 is intended for all child and family services agencies. For agencies funded by the Province alone, some modifications exist. In addition to agency funding, the Province also provides funding to the four Child and Family Services Authorities, to provide oversight to their agencies. As indicated in **Table 3**, the federal and provincial levels provide four service/funding streams, while there are three additional streams at the provincial level that reflects its governance and service delivery structure.

TABLE 3: FEDERAL AND PROVINCIAL FUNDING COMPONENT / STREAMS

Federal Components / Streams	Provincial Components / Streams
	Authority
	Designated Intake
Operations (includes Core and Protection)	Core
	Protection
Prevention	Prevention
Child Maintenance (child-specific)	Child Maintenance (child-specific)
	Residential Placement Resources

The following sections provide information on each of the funding streams identified in **Table 3**.

3. Child and Family Services Authority Funding

Manitoba Family Services and Labour is the sole funder of Authorities. Funding is provided to the Authorities by way of a Contribution Agreement (see **Appendix 4**) outlining the conditions under which the funding is provided. Provincial funding is provided to ensure that Authorities are able to operate and carry out their own responsibilities as well as to ensure that requirements are met by agencies falling under their respective jurisdictions.

3.1 Core Authority Staffing

The Manitoba 2010 Funding Model includes the following changes to Authority funding:

- 1.00 FTE Community Relations Specialist per Authority.
- \$5,000 per FTE for positions that require frequent travel to agencies.
- Incorporating the *Changes for Children* positions into the Authorities Core Funding.

Under the Model, the Department of Family Services and Labour will fund a total of 98.0 positions, including salaries, benefits, core operating and additional travel. Positions funded, by Authority, are provided in **Table 4**.

TABLE 4: CORE FUNDED POSITIONS – BY AUTHORITY

Authority Core Funded Positions	SA Staff	NA Staff	GA Staff	MA Staff	Total
Chief Executive Officer	1.0	1.0	1.0	1.0	4.0
Chief Financial Officer	1.0	1.0	1.0	1.0	4.0
Financial Comptroller	1.0	1.0	0.5	0.5	3.0
Financial Analysts	1.0	1.0	1.0	1.0	4.0
Admin / Clerical	1.0	1.0	1.0	1.0	4.0
Program / Agency Specialists	2.0	2.0	3.0	2.0	9.0
Program Analysts	5.0	4.0	2.0	2.0	13.0
Joint Intake / Shelter Coordinators	2.0	0.0	0.0	0.0	2.0
Quality Assurance Specialist	2.5	2.5	1.0	1.0	7.0
Human Resource Specialist	1.0	1.0	0.0	1.0	3.0
Community Relations Specialist	1.0	1.0	1.0	1.0	4.0
FASD Specialist	1.5	1.5	1.0	1.0	5.0
Differential Response Specialist	1.0	1.0	1.0	1.0	4.0
Foster Care Initiative	6.0	4.0	3.0	3.0	16.0
Standing Committee Support	3.0	3.0	3.0	3.0	12.0
Joint Training	1.0	1.0	1.0	1.0	4.0
Total	31.0	26.0	20.5	20.5	98.0

4. Designated Intake

Section 21 of *The Child and Family Services Authorities Act* requires the four Authorities to jointly designate agencies to provide intake and emergency services in geographic regions designated by *Joint Intake and Emergency Services by Designated Agencies Regulation*.

Designated Intake Agencies (DIAs) are responsible for receiving referrals and requests for service. Intake is the point at which most families make first contact with the child welfare system and it is at this point that: 1) basic information is collected; 2) immediate child safety issues are addressed; 3) assessment for ongoing service need is undertaken; 4) an Authority is selected as service provider; and 5) Transfers, if appropriate, are completed to ongoing service agencies. DIAs also provides after hours emergency services on existing cases.

Designated Intake Agencies do not manage cases and, at this time, their funding is not determined by this Funding Model.

The Province is the sole funder of the DIAs, and currently funds **eight agencies** for this function. This includes provincial Rural and Northern regional offices. Funding is provided by Authorities to their respective DIAs for both general intake and after-hours emergency services.

On reserve, First Nations agencies provide the intake and after hours emergency functions. An additional 5% of federally-funded direct service salaries is provided for after-hours emergency services on-reserve.

5. Agency Core Funding

The Funding Model for FNCFS Agencies in receipt of federal funding utilizes a 60 per cent/40 per cent provincial / federal split for agency core funding. This is reflective of the fact that approximately 60% of children in the care of First Nations CFS Agencies were funded and supported by the provincial government, and approximately 40% of children in the care of First Nations CFS Agencies were funded and supported by the Government of Canada at the time of model development. This shared funding formula will be in place for five years, with year one being 2010/11.

For all other agencies the Province remains the sole funder.

Some components of the funding formula also correspond to the size of agencies – with this determination based on an analysis of three factors: 1) the number of FTEs; and 2) the 0-18 on-reserve population served; and 3) the number of active cases – both children in care and family. **Table 5** delineates the Small, Medium and Large methodology / criteria and **Table 6** provides an overview of how the formula applies to the mandated agencies.

TABLE 5: AGENCY SIZE METHODOLOGY – SMALL, MEDIUM AND LARGE

SMALL, MEDIUM and LARGE Methodology (Criteria)			
	FTE	Population	Cases
Large Agency	>100	>3000	>700
Medium Agency	60-100	1500-2999	500-699
Small Agency	<60	<1500	<500

TABLE 6: MANDATED AGENCIES – BY SIZE AND SOURCE(S) OF FUNDING

Agency	Size	Funding
Awasis Agency of Northern Manitoba	Large	60% Provincial / 40% Federal
Cree Nation Child and Family Caring Agency	Large	60% Provincial / 40% Federal
Island Lake First Nations Family Services (ILFNFS)	Medium	60% Provincial / 40% Federal
Kinosao Sipi Minisowin Agency (KSMA)	Medium	60% Provincial / 40% Federal
Nisichawayasihk Cree Nation Family and Community Wellness Centre (NCN)	Medium	60% Provincial / 40% Federal
Nikan Awasisak	Small	60% Provincial / 40% Federal
Opaskwayak Cree Nation Child and Family Services (OCN)	Small	60% Provincial / 40% Federal
Anishinaabe Child and Family Services (ACFS)	Medium	60% Provincial / 40% Federal

Agency	Size	Funding
Dakota Ojibway Child and Family Services (DOCFS)	Large	60% Provincial / 40% Federal
Intertribal Child and Family Services (ICFS)	Small	60% Provincial / 40% Federal
Peguis Child and Family Services (PCFS)	Small	60% Provincial / 40% Federal
Sandy Bay Child and Family Services (SBCFS)	Small	60% Provincial / 40% Federal
Sagkeeng Child and Family Services (SCFS)	Small	60% Provincial / 40% Federal
Southeast Child and Family Services (SECFS)	Large	60% Provincial / 40% Federal
West Region Child and Family Services (WRCFS)	Large	60% Provincial / 40% Federal
Child and Family All Nations Coordinated Response Network (ANCR)	Large	Provincial
Animikii Ozoson, Inc.	Small	Provincial
Child and Family Services of Central Manitoba (CFS-CM)	Small	Provincial
Child and Family Services of Western Manitoba (CFS-CM)	Medium	Provincial
Family Services and Labour – Rural and Northern Services*	Large	Provincial
Winnipeg Child and Family Services (WCFS)	Large	Provincial
Metis Child and Family Services (MCFS)	Large	Provincial
Jewish Child and Family Services (JCFS)*	N/A	N/A
Churchill Child and Family Services*	N/A	N/A

* 1) Rural and Northern Services are treated as one agency; and 2) Jewish Child and Family Services and Churchill CFS do not receive funding for **Agency Executive Core** due to their small size.

Core funding refers to an agency's executive operations and governance functions, and in the Manitoba Funding Model is comprised of the following components: 1) Agency Core Executive Staff; 2) Operating Costs; 3) Audit, Board, Insurance and Legal; 4) Information Technology; 5) Transportation; and 6) Training.

5.1 Agency Core Executive Staff – Salaries and Benefits

Specific funding for core executive positions supports both the federal and provincial expectations that reporting and accountability requirements will be met and to ensure that necessary staff and resources are in place to complete these functions (e.g. financial, administrative, quality assurance, abuse coordination, etc.)

The formula for core funding for governance, salaries, benefits, finance, human resources and administrative positions is provided for all CFS agencies and is based on size.

The proportion of funding provided by each level of government is based on whether agencies are FNCFS agencies receiving federal funding or all other agencies that are solely funded by the province. The federal / provincial allocation of funding, by category of agency, is displayed in Table 7.

TABLE 7: AGENCY CORE EXECUTIVE STAFF – FEDERAL AND PROVINCIAL FUNDING

Federal Formula		Provincial Formula	
14 First Nations Agencies receiving Federal Funding		14 First Nations Agencies receiving Federal Funding	All Other Agencies
40% of the costs of agreed upon list of positions- with number and positions determined by agency size (small, medium, large).		60% of costs of agreed upon list of positions – with number and type of positions determined by agency size (small, medium, large).	All other agencies, 100% of the costs.

All core positions are classified using provincial Manitoba Government –Manitoba Government Employees Union (MGEU) Master Agreement classifications. Agency core positions, benefits and operating by agency size, are outlined in Tables 8, 9 and 10.

Funding is provided based on the classification at the mid-salary range for that classification as of March 31, 2009.

TABLE 8: AGENCY CORE POSITIONS, BENEFITS & OPERATING – SMALL AGENCY

Small Agency – Core Positions, Benefits & Operating	Classification	Number of Positions
Executive Director	P10	1
Executive Assistant	AY3	1
Receptionist/ Admin	AY2	1
HR Specialist	P5	1
Finance Officer	FI5	1
Accounting / Payroll Clerks	AK1	3
Child Abuse Coordinator	SP5	1
Quality Assurance Specialist	PM3	1
Financial Analyst	N/A	0
Benefits	15% (prov) 20.45% (fed)	
Operating	15% (prov) 15% (fed)	

Small Agency – Core Positions, Benefits & Operating	Classification	Number of Positions
Total Core Positions for Small Agency		10 Core FTEs

TABLE 9: AGENCY CORE POSITIONS, BENEFITS & OPERATING – MEDIUM AGENCY

Medium Agency – Core Positions, Benefits & Operating	Classification	Number of Positions
Executive Director	XM1	1
Executive Assistant	AY3	1
Receptionist/ Admin	AY2	1
HR Specialist	P5	1
Finance Officer	FI6	1
Accounting / Payroll Clerks	AK1	4
Child Abuse Coordinator	SP5	1
Quality Assurance Specialist	PM3	1
Financial Analyst	N/A	0
<i>Benefits</i>	15% (prov) 20.45% (fed)	
<i>Operating</i>	15% (prov) 15% (fed)	
Total Core Positions for Medium Agency		11 Core FTEs

TABLE 10: AGENCY CORE POSITIONS, BENEFITS & OPERATING – LARGE AGENCY

Large Agency – Core Positions, Benefits & Operating	Classification	Number of Positions
Executive Director	XM2	1
Executive Assistant	AY3	1
Receptionist/ Admin	AY2	2
HR Specialist	P8	1
Finance Officer	FI7	1
Accounting / Payroll Clerks	AK1	6
Child Abuse Coordinator	SP5	1
Quality Assurance Specialist	PM3	1
Financial Analyst	F13	1

Large Agency – Core Positions, Benefits & Operating	Classification	Number of Positions
<i>Benefits</i>	15% (prov) 20.45% (fed)	
<i>Operating</i>	15% (prov) 15% (fed)	
Total Core Positions for Large Agency	15 Core FTEs	

5.2 Audit, Board, Insurance and Legal

The Manitoba Funding Formula provides core funding to agencies for audit, board, insurance and legal purposes. **Table 11** provides an overview of allocations by level of government and type of agency.

TABLE 11: CORE FUNDING FOR AGENCIES – AUDIT, BOARD, INSURANCE AND LEGAL

Core Funding Area	Federal Formula	Provincial Formula	
	14 First Nations Agencies receiving Federal Funding	14 First Nations Agencies receiving Federal Funding	All Other Agencies
1. Board of Directors	40% of \$50,000 for Board expenses	60% of \$50,000 for Board expenses <u>and</u> \$4,800 for Board training and mentorship per agency	100% of \$50,000 for board Expenses <u>and</u> \$4,800 for Board Training and mentorship per agency
2. Audit	40% of \$20,000 per agency	60% of \$20,000 per agency	100% of \$20,000 per agency
3. Corporate Insurance	40% of an amount based on agency size (\$40,000, \$60,000 or \$120,000)	60% of an amount based on agency size (\$40,000, \$60,000 or \$120,000)	100% of an amount based on agency size (\$40,000, \$60,000 or \$120,000)
4. Corporate Legal	40% of \$40,000 per agency	60% of \$40,000 per agency	100% of \$40,000 per agency

5.3 Information Technology & Business Information System

AANDC provides agencies with \$1,320 per FTE per year for information technology purposes. Manitoba Family Services and Labour provides \$110.00 per month for desktop support for each computer, plus residual funding on an annual basis for information technology-related costs, as per Contribution Agreements.

5.4 Transportation

As set out in **Table 12**, each agency, regardless of funder(s) receive \$50,000 for core executive staff transportation costs – with a 60% provincial and 40% federal split for FNCFS Agencies who receive federal funding – and the province funding 100% of agency core executive transportation for all other agencies. For all other positions, provincial transportation funding is included in operating, and the federal formula is \$10,000 per FTE, excluding administrative support staff.

TABLE 12: CORE FUNDING FOR AGENCIES - TRANSPORTATION

Core Funding: Transportation	Federal Formula	Provincial Formula	
		14 First Nations Agencies receiving Federal Funding	All Other Agencies
1. Core Executive Staff	\$20,000 per agency	\$30,000 per agency	\$50,000 per agency
2. Other Positions	\$10,000 per FTE for all other positions, excluding administrative support staff	Travel costs are included in operating funds provided @ 15% of salaries	

5.5 Remoteness

Both levels of government provide remoteness funding of 5% of funded salaries, benefits and operating costs for agencies north of the 53rd parallel and for southern remote and isolated communities.

5.6 Training

As laid out in **Table 13**, the amount of funding allocated to training funding varies by category of staff (*core executive* and *direct service workers*) and by which level(s) of government are funding. Training funding for Core Executive Staff in the 14 First Nations agencies receiving federal funding is shared between both levels of government, while the provincial government covers 100% of the training funding for Core Executive Staff in all other agencies.

Provincial training for Direct Service Workers is not reflected in the funding formula as it is provided through the \$1 million Joint Training Team initiative, and Child and Family Services Information System (CFSIS) training is provided to Direct Service Workers at no cost. At the federal level, each federally funded Direct Service Worker FTE is provided with \$2,000 for training.

Agency operating funds (15% of salaries) are also available to agencies to offset costs associated with staff training (i.e. travel and accommodation).

TABLE 13: CORE FUNDING FOR AGENCIES - TRAINING

Core Funding: Training	Federal Formula	Provincial Formula	
		14 First Nations Agencies receiving Federal Funding	All Other Agencies
1. Core Executive Staff	\$800 per FTE (total per FTE = \$1,400)	\$600 per FTE (total per FTE = \$1,400)	100% of \$1000 per FTE
2. Direct Service Workers	\$2,000 for each federally funded FTE, excluding Agency Core	Training is provided through the Joint Training Team (\$1 million), and CFSIS training is provided at no cost	

6. Child Protection Funding

Under Part III of *The Child and Family Services Act*, Protection funding refers to the programs and services that are provided when a child is in need of protection because their life, health or emotional well-being is endangered.

Funding for children in care is given legislative approval by way of *The Child and Family Services Act*. This legislation allows the province to establish rates, specify services to be funded and to provide the actual funding so that Child and Family Services Agencies, regional offices and treatment centers can provide for the children that come into care. FNCFS Agencies adhere to provincial legislation although they access funding for children in care from both the federal and provincial governments.

6.1 Formula(s) for Protection Funding

Protection funding is determined by the following criteria:

- **Provincial Support for Protection Cases** – The provincial definition of protection includes both Protective Family Service Cases and children in care. The provincial Department of Family Services and Labour provides protection funding to children who are: 1) non-Aboriginal, Métis, Inuit or non status; or 2) First Nations children whose parents or guardians are ordinarily resident off-reserve when a child comes into care.
- **Federal Support for Protection Cases** – AANDC defines protection cases as children in care (services to families are included in AANDC's definition of prevention). AANDC provides protection funding for First Nations children whose parents or guardians are ordinarily resident on-reserve when the child comes into care of a First Nations Agency.

Table 14 identifies federal and provincial protection funding criteria.

TABLE 14: FEDERAL & PROVINCIAL PROTECTION FUNDING FORMULAS FOR CASES – BASELINE: YEAR ONE

Federal Formula Baseline: Year One	Provincial Formula Baseline: Year One
<p>Funding is based on the assumption that 7% of on-reserve First Nations children will be in care. This formula generates funding for 2,520 protection cases. At March 31, 2009, there were 2,403 federally funded children in care.</p> <p style="text-align: center;"><u>and</u></p> <p>\$30 for each First Nations child 0-18 on Reserve and included in the AANDC Registry.</p> <p><u>Note:</u> Services to families are provided under Prevention funding.</p>	<p>Funding is based on the actual number of provincially funded children in care at March 31, 2009 (6059) plus all Protective Family Service Cases.</p> <p style="text-align: center;"><u>and</u></p> <p>Family Support Funding of \$1,300.00 per active family service case annually to allow for purchased services or in-home support.</p>

6.2 Staffing – Protection Services

Agency Protection Funding covers staffing and family support within protective family service. Provincial funding is harmonized with the federal government and provided based on case demand.

TABLE 15: FEDERAL AND PROVINCIAL CFS PROTECTION STAFFING FUNDING

Position	Federal Protection Staffing Funding	Provincial Protection Staffing Funding
Case Managers / Direct Service Workers	1 Direct Service Worker per 20 assumed children in care <u>and</u> Nil for protective family cases	1 Direct Service Worker per 25 open children in care cases* <u>and</u> 1 Direct Service Worker per 25 open protective family cases*
Placement Worker (Fed)	1 Direct Service Worker per 30 assumed children in care	Nil
Foster Care Recruitment & Training	1.00/1.50/2.00 FTE per agency depending on agency size	1.00/1.50/2.00 FTE per agency depending on agency size – for agencies that are solely provincially funded.
Adoption Workers	Nil	1.00/1.50/2.00 FTE per agency depending on agency size for agencies that are solely provincially funded.
Administrative Support	1 Administrative Support Worker per 5 Direct Service Workers	
Supervisor	1 Supervisor per 6 Direct Service Workers / Administrative Support Workers	

Position	Federal Protection Staffing Funding	Provincial Protection Staffing Funding
Mid-Manager	1 Mid-Manager per 7 Supervisors	

* Note: The provincial model funds protective family service cases at the rate of \$1,300 per case for family support.

While there are differences in a few federally-funded and provincially-funded staff categories within the formula (i.e. AANDC's *placement worker* category and Family Services and Labour' *case managers for open protection family cases* category), the end result in terms of staff ratios is very similar. For example:

- Using the provincial formula for all agencies funded – 300 children in care and 300 family service cases would generate 24 Case Managers (Direct Service Workers)
- Using the federal formula for all agencies funded – an assumed 300 children in care would generate 25 Case Managers.

7. Prevention Funding

Prevention services are those that are intended to reduce the incidence of child abuse, family violence and family disruption. Prevention services offer intense involvement over a shorter period of time thereby allowing more children to remain with their families and subsequently reducing the number of children coming into care.

- **Provincial Support for Prevention Cases** –The Department of Family Services and Labour provides prevention funding to children who are: 1) non-Aboriginal, Métis, Inuit or non status; or 2) First Nations children whose parents or guardians are ordinarily resident off-reserve when a child comes into care.
- **Federal Support for Prevention Cases** –AANDC provides prevention funding for First Nations families who are ordinarily resident on-reserve.

The maximum length of time for funding an active prevention case is 90 days, with the possibility of a further 90 days with supervisor approval, for a total of 180 days.

The allocation of funding to CFS Agencies for enhanced Prevention Services is based on case assumptions.

7.1 Funding Formula – Prevention Services

The Model includes new provincial funding of \$15.0 million for Prevention Services, which is to be phased-in over three years, subject to business plan submission:

- 40% in 2010/11 (\$6 million in year one)
- 80% in 2011/12 (\$12 million in year two)

- 100% in 2012/13 (\$15 million in year three)

After 2012/13, provincial funding would remain at \$15.0 million.

As indicated in **Table 16**, the federal prevention formula uses the First Nations on-reserve child population divided by three (based on an assumption of three children per family) along with the assumption that 20% of families require prevention services. Federal prevention funding of \$21.8 million is to be phased in over three years, subject to business plan submission approvals:

- 40% in 2010/11 (\$8.7 million in year one)
- 80% in 2011/12 (\$17.4 million in year two)
- 100% in 2012/13 (\$21.8 million in year three)

After 2012/13, federal funding would remain at \$21.8 million.

TABLE 16: FEDERAL AND PROVINCIAL CFS PREVENTION FUNDING FORMULAS

Federal Prevention Formula	Provincial Prevention Formula
The number of families are calculated using the First Nations on-reserve child population divided by three (assuming on average 3 children per family) x 20% based on the assumption that 20% of families are in need of preventive family services). Formula – (Child Population / 3) x 20% <u>and</u> \$100 per child population for family support.	The number of families to be served in Year 1 was determined by using the previously announced Differential Response / Family Enhancement funding as a base (\$15.0 million phased in over three years) <u>and</u> Family Support Funding of \$1,300.00 per family service case annually under the model to allow for purchased services or in-home support.

As with Protection, the prevention-focused Family Support funding may be managed by an agency to support economies of scale in service provision. Services may be provided directly by an agency, in partnership with collateral community providers, or solely by collateral providers under arrangements specifically for this purpose.

7.2 Staffing – Prevention Services

Table 17 provides the federal and provincial formulas for prevention staffing. As noted, the one difference is in the 'Resource Development' worker category. AANDC has allocated positions for resource development within the funding model, based on the size of the agency:

- Each small agency – 1.0 FTE
- Each medium agency – 1.5 FTE
- Each large agency – 2.0 FTE

The Province provides each Child and Family Service Authority with positions for resource development through its Foster Care Initiative:

- Southern Authority – 6.0 FTE
- Northern Authority – 4.0 FTE
- General Authority – 3.0 FTE
- Metis Authority – 3.0 FTE

In addition the province provides funding to a number of community agencies who also do resource development to support service delivery.

TABLE 17: FEDERAL AND PROVINCIAL CFS PREVENTION STAFFING FUNDING FORMULA

Position	Federal Prevention Staffing Funding Formula	Provincial Prevention Staffing Funding Formula
Family Enhancement Workers	1 Family Enhancement Worker per 20 families	
Resource Development Workers	1.0 FTE for each Small Agency 1.5 FTE for each Medium Agency 2.0 FTE for each Large Agency	The Provincial Foster Care Initiative provides positions for resource development (SA 6.0 FTE; NA 4.0 FTE; GA 3.0 FTE; MA 3.0 FTE) as well as funding community agencies that do resource development to support service delivery.
Administrative Support	1 Administrative Support Worker per 5 Direct Service Workers	
Supervisor	1 Supervisor per 6 Direct Service Workers / Administrative Support Workers	
Mid-Manager	1 Mid-Manager per 7 Supervisors	

8. Child Maintenance Funding

Both levels of government reimburse agencies for actual eligible child maintenance expenditures as outlined in the provincial Child Maintenance Funding manual (see Chart of Accounts in Appendix 5). Funding support is determined by the following criteria:

- **Provincial Support for Child Maintenance Funding** – The provincial Department of Family Services and Labour provides child maintenance funding to children who are: 1) non-Aboriginal, Métis, Inuit or non-status; or 2) First Nations children whose parents or guardians are ordinarily resident off-reserve when a child comes into care.

- **Federal Support for Child Protection Cases** – AANDC provides child maintenance funding for First Nations children whose parents or guardians are ordinarily resident on-reserve when the child comes into care of a FNCFS Agency.

Existing Child Maintenance policies and procedures will continue after the introduction of the new funding model.

The following table demonstrates the shared support between the federal and provincial governments regarding children in care and the categories of funding available:

TABLE 16: FEDERAL AND PROVINCIAL CHILD MAINTENANCE FOR CHILDREN IN CARE (MANITOBA)

Funding Provided by Federal Government	Funding Provided by Provincial Government (FSL)
Basic Maintenance - Direct to Foster Parent	
Basic Maintenance – Agency Allowance	
Special Rate / Needs	

9. Residential Care Placement Resources

The Department of Family Services and Labour provides funding for placement resources, with the resource continuum including group homes, temporary shelters, maternity shelters, treatment shelters and specialized treatment units. All residential care units are licensed under *The Child and Family Services – Child Care Facilities (other than Foster Homes) Licensing Regulations*. Residential care is generally used for children who have needs that cannot be met in regular licensed foster homes.

The Provincial Placement Desk is a resource which coordinates and manages the placement of children with higher level needs (Levels 3, 4 and 5) within the CFS system.

9.1 Emergency Placement Resources

The term *emergency placement resources* refers to the vast number of placement facilities and foster homes that are used to accommodate children and youth who require an immediate placement due to entry into the care of the CFS system or due to the sudden breakdown of a previous placement home or facility.

Emergency placement resources differ from other placement resources by the urgency in which the placement is required and by the time-frame that children and youth remain in these homes or facilities. These types of placements are meant to be short-term, and provide the opportunity to better assess the needs of a child or youth before either reunifying them with family or

moving them to an appropriate longer-term foster home or residential facility. Generally, emergency placement resources fall into the following categories:

- Emergency shelters that are shift-staffed;
- Emergency four-bed foster homes that are shift-staffed or with a live-in Professional foster parent;
- External emergency shelters that are shift-staffed;
- External emergency four-bed foster homes that are shift-staffed or with a live-in Professional foster parent;
- Foster homes that are designated as emergency foster homes;
- Places of Safety in family residences or staff residences; and
- Places of Safety in hotels, motels or other facilities such as Women's Shelters.

According to the CFS Standards Manual, all emergency placement facilities that are shift-staffed must be licensed by the Residential Care Licensing Unit, while four-bed facilities with live-in foster parents and emergency foster homes are licensed by a respective CFS agency. Places of safety (POS) in family or staff residences and in hotel rooms must be approved in accordance to the *Child and Family Services Standards for Places of Safety*.

10. Accountability and Reporting

Family Services and Labour, AANDC and the Authorities have been working to further develop accountability and reporting mechanisms to support the funding model.

10.1 Agency Accountability and Reporting

10.1.1 Agency Business Plans (Authority, AANDC, and FSL)

The Agency Business plan is the newest planning and accountability tool – and can be best understood as an overlay of existing reporting and accountability requirements. The Agency Business Planning process will remove redundancies and duplicate reports.

Prior to the release of any additional funds available under the Manitoba Child Welfare Funding Model, Five Year Business Plans must be prepared by all CFS agencies and submitted to Authorities, provincial and/or federal funders on an annual basis.

Each Agency's Five Year Business Plan is a comprehensive document that will include:

- *A Community Profile* – environmental scan of communities served.
- *An Agency Profile* – organizational chart, governance structure, staff FTEs and qualification, caseload overview, identification of strengths and key accomplishments for the year.

- **The Operational Plan** – The Operational plan provides detail on the key milestones, activities, who is to provide support, resources needed, timelines, outcomes and evaluation methods for implementing each fiscal year of the Business Plan. Key operational areas include: Core Management Development (Human Resources, Finance, IT); Designated Intake Service Development; Protection and Investigation Service Development; Services to Children in Care Development; Alternate Care / Placement Resource Development; Prevention Service Development.
- **Finances / budgets** – Operational budget (core management, financial administration, infrastructure costs, board governance); Program Budget (intake, assessment and investigation, child protection services, family enhancement / prevention services; supports for permanency planning). Note: FNCFS agencies will also separate federal and provincial funding under each cost centre.
- **Relevant attachments** – (e.g. Service Purchase Agreements, the Agency's most recent Annual report, policy manuals, agreements with community partners etc.).

In their annual Business Plan update which are due in April of each year, agencies report on progress in the previous year.

Agency Business Plan approval will vary by depending on whether it is a FNCFS agency or not:

- FNCFS agency business plans will be approved by the respective Authority, AANDC and FSL.
- All other agency business plans will be approved by the respective Authority and FSL.

See **Appendix 6** for the Business Plan Matrix.

10.1.2 Funding Eligibility Reviews

Periodic reviews will occur regarding case eligibility in order to maintain the ongoing integrity of the funding model. These reviews will rely predominantly on CFSIS verifications of active/eligible cases.

10.1.3 Authority Quality Assurance of Provincially Funded Agencies

The responsibility for conducting quality assurance reviews of CFS agencies rests with the Authorities, as per *CFS Authority Regulations Section 16*. The ADM, Child and Family Services Division, together with the Executive Director of the Child Protection Branch, and the CEOs of the four Authorities, have drafted Outcome Indicators for CFS in Manitoba. These build upon the National Outcomes Measures project in which Manitoba participates. These will be finalized and used both by the Department and the Authorities in their respective reviews, ensuring standardized measures of outcomes across the system. Quality assurance activities include:

- Authority documentation

- Interviews with agency and authority staff and regular communication with program staff throughout the review.
- Providing program staff with opportunities to provide input and feedback on data collection tools and methods.
- Authority engagement with agency staff in development of a final report and action plan.
- Authority engagement with the Agency in implementing and monitoring an action plan.
- The Authority evaluates stakeholder satisfaction with the review process upon completion of the review.
- Authority program and/or financial reviews of agencies

For more details, see Manitoba Family Services and Labour, CFS Division, Authority Relations, *Quality Assurance Framework (DRAFT)*.

11. Definitions / Glossary

Changes for Children (C4C) – an initiative launched to address the 289 recommendations from external reviews. C4C has 7 major themes: 1) Keeping Children Safe Through Primary Prevention Programs; 2) A priority Emphasis on Early intervention for Families; 3) Enhanced Support for Front-line Protection workers; 4) Improved Communication; 5) Strengthen the New Governance Structure; 6) Fiduciary obligation of the Government of Canada and; 7) Section 10 Reviews.

Child and Family Services Information System – is the current information system available for child and family service process, data recording and case management.

Child in Care (CIC) – This category pertains to children in care through voluntary placement (VPA), voluntary surrender of guardianship (VSG), apprehension or order of guardianship. It does not include children who remain with or are returned to a parent or guardian under an order of supervision. A case classification within the current CFS system, a CIC case is created as soon as a child is removed from the care of their parents or guardians and enters the care of a child welfare agency. Each child that is in care from the same family is assigned their own CIC file. The actual legal status of the child may vary depending on circumstance; however the CIC case designation remains constant for the time they are in care.

Designated Intake Agency (DIA) – is an agency that has been jointly designated by the Authorities to provide joint intake and emergency services in accordance with Section 21 of the *Child and Family Services Authorities Act* to all persons in a specific geographic region of the province.

Differential Response – is an alternative service delivery model for early intervention services aimed to keep children and families together while ensuring children are safe and protected.

Extensions of Care and Maintenance - On occasion, permanent wards of an agency require care beyond the age of majority. Extensions of care and maintenance provide a means of supporting young adults, on a short term basis while they transition out of the care of the child and family service system. As per *The Child and Family Services Act*, Section 50(2) "The director, or an agency with written approval of the director, may continue to provide care and maintenance for a former permanent ward for the purpose of assisting the ward to complete the transition to independence but not beyond the date when the former ward attains the age of 21 years."

Foster Home – means a home other than the home of the parent or guardian of a child, where not more than four children who are not siblings are placed by an agency for care and supervision but not for the purposes of adoption.

Group Home – means a home where ordinarily not fewer than five or more than eight children are placed by an agency for full time care and supervision.

Place of Safety – means any place used for emergency temporary care and protection of a child as may be required under *The Child and Family Services Act* and includes treatment centres.

Protection – applies to child protection investigation and interventions under Part III of *The Child and Family Services Act*.

Standing Committee – Section 30 of *The Child and Family Services Authorities Act* established the Standing Committee. The Standing Committee consists of the senior executive officer of each authority, the director, and an additional member appointed by the Metis Authority. The role of the committee is to serve as an advisory body to the authorities and the government, and is responsible for facilitating cooperation and the coordination in the provision of services under this Act. It facilitates collaboration and cooperation to address system-wide issues.

Temporary Orders – legal status of temporary guardianship for a child in care.

Voluntary Family Service (VFS) – a case classification within the current CFS system, VFS is the designation for a family receiving service from an agency voluntarily. Typically, they have sought service on their own and the children in the family are not considered to be in need of protection. The designation is provided for in *The Child and Family Services Act*.

Voluntary Placement Agreement (VPA) – a case classification within the current CFS system, the provision for a VPA is contained in *The Child and Family Services Act*. It allows for a parent or guardian to place a child in the care of an agency temporarily, without transfer of guardianship, under circumstances where the parent or guardian is unable to provide care themselves.

Treatment Centre – means any place established or designated by the Minister primarily for the care and treatment of more than 8 children and includes facilities operated by any government department for those purposes but does not include facilities for the reception and temporary detention of a child.

Joint Training Team (JTT) – The JTT works on behalf of the four CFS Authorities and Manitoba Family Services and Labour and reports to the CFS Standing Committee. The JTT is responsible for establishing and maintaining a training initiative to develop a qualified, culturally competent workforce for CFS. The major functions of the JTT include developing, coordinating, implementing and evaluating training activities for staff and foster families in the CFS system. The JTT includes a training coordinator from each of the four CFS Authorities as well as Manitoba Family Services and Labour.

APPENDIX 1

DUTIES AND POWERS OF DIRECTOR AND AUTHORITIES (CHILD PROTECTION)

Generally, see Authorities Act s. 18 and Authorities Regulation s. 11 – clarified as follows:

Child and Family Services Act Provision	Authorities Regulation Provision	Responsible Party
4(1)(a) The director shall administer and <u>enforce the provisions of this Act</u>	13. An authority has the duty of the director to administer and enforce the Act. The director also retains that duty.	Director and Authorities
4(1)(b) The director shall advise the <u>minister</u> on matters relating to child and family services	[silent]	Director
4(1)(b.1) The director shall in accordance with the regulations, <u>license child care facilities</u> other than foster homes and hear and decide <u>appeals</u> from agencies with respect to the licensing of foster homes	14. An authority has the duty of the director to decide appeals from agencies with respect to the licensing of foster homes and the director ceases to have that duty. The director retains the duty under that clause to license child care facilities other than foster homes.	Authorities shall decide foster home licensing appeals. The Director licenses child care facilities other than foster homes.
4(1)(c) The director shall <u>advise agencies</u>	15. An authority has the duty of the director to advise agencies. The director ceases to have that duty except with respect to advising agencies about the operation of the child abuse registry.	Authorities advise agencies. The Director only advises agencies with respect to the CAR.

Child and Family Services Act Provision	Authorities Regulation Provision	Responsible Party
4(1)(d) The director shall ensure the development and establishment of <u>standards of services</u> and practices and procedures to be followed where services are provided to children and families, including standards, practices and procedures relating to a child's safety and security that must include (i) assessing risks to a child's life, health or emotional well-being in his or her present circumstances or any proposed placement, and (ii) determining the nature and frequency of contact that an agency should have with a child to ensure that the child is safe and secure and receiving appropriate services;	[silent]	Director
4(1)(e) The director shall ensure that <u>agencies are providing the standard of services</u> and are following the procedures and practices established pursuant to clause (d) and by the provisions of this Act and the regulations	16. An authority has the duty of the director to ensure that agencies are providing and following standards, practices and procedures. The director ceases to have that duty.	Authorities
4(1)(f) The director shall receive and hear <u>complaints</u> from any person affected by the administrative actions of an agency	17. An authority has the duty of the director to hear complaints about agencies. The director ceases to have that duty.	Authorities
4(1)(g) The director shall exercise the powers and duties of an agency in any <u>area in which no agency is functioning</u>	18. An authority has the duty of the director to exercise the powers and duties of an agency in any area where no agency is functioning. The director ceases to have that duty.	Authorities
4(1)(h) The director shall supervise or <u>direct the supervision of children in care</u> , and receive and disburse moneys payable for their maintenance	19. An authority has the duty of the director to supervise or direct the supervision of children in care and receive and disburse moneys for their maintenance. The director ceases to have that duty.	Authorities
4(1)(i) The director shall <u>protect children</u> in need of protection	[silent]	Director

Child and Family Services Act Provision	Authorities Regulation Provision	Responsible Party
4(1)(j) The director shall ensure the development of appropriate <u>placement resources</u> for children	20. An authority has the duty of the director to ensure the development of appropriate placement resources for children. The director also retains that duty.	Director and Authorities
4(1)(k) The director shall submit a yearly <u>budget</u> for the child and family services system and keep books of account of all moneys received and disbursed by the director	[silent]	Director
4(1)(l) The director shall prepare and submit an <u>annual report</u> to the minister	[silent]	Director
4(1)(l.1) The director shall <u>communicate to authorities</u> the primary importance of a child's safety and security in the provision of child and family services and monitor the oversight provided by authorities of agencies in this regard	[silent]	Director
4(1)(m) The director shall perform such <u>other duties</u> as may be prescribed by this Act, by the regulations, or as may be required by the minister	[silent]	Director
4(2)(a) The director may <u>enter and inspect</u> the premises of an agency, a child care facility or other place where a child is placed under this Act	21. An authority has the powers of the director to enter and inspect the premises of agencies and of foster homes licensed by those agencies and the director ceases to have those powers. The director retains the power in relation to child care facilities other than foster homes, and in relation to other places where a child is placed under the Act.	Authorities with respect to foster homes licensed by the Authority. The Director in relation to child care facilities other than foster homes, and other places where a child is placed.

Child and Family Services Act Provision	Authorities Regulation Provision	Responsible Party
<p>4(2)(b) The director may <u>inspect and obtain a copy</u> of any record, paper or thing, or a sample of any material, food, medication, or thing that, in the opinion of the director, relates to an agency, a child, a child care facility, or to any matter being investigated by the director and that is in the possession or under the control of an agency or a person in charge of any place mentioned in clause (a)</p>	<p>22(1) An authority has the power of the director to inspect and obtain copies or samples of things</p> <p>(a) that relate to an agency, a child, a foster home licensed by an agency it has mandated or to a matter being investigated by the authority; and</p> <p>(b) that are in the possession or control of an agency or a foster home licensed by an agency it has mandated.</p> <p>The director ceases to have those powers.</p> <p>22(2) The Director may inspect and obtain copies or samples of things that</p> <p>(a) relate to a child, a child care facility other than a foster home, or to a matter being investigated by the director; and</p> <p>(b) are in the possession or control of a person in charge of</p> <p>(i) a child care facility other than a foster home, or</p> <p>(ii) another place where a child is placed under the Act.</p>	<p>Authorities with respect to their agencies and foster homes licensed by the Authority.</p> <p>The Director in relation to child care facilities other than foster homes, and other places where a child is placed or in relation to a matter being investigated by the Director.</p>

Child and Family Services Act Provision	Authorities Regulation Provision	Responsible Party
<p>4(2)(b.1) The director may require any person who in the opinion of the director is able to <u>give information</u> relating to any matter being investigated by the director</p> <p>(i) to furnish information to the director, and</p> <p>(ii) to produce and permit the director to make a copy of any record, paper, or thing that, in the opinion of the director, relates to the matter being investigated and that may be in the possession or under the control of the person,</p> <p>but nothing in this clause abrogates any privilege that may exist because of the relationship between a solicitor and the solicitor's client</p>	<p>23. An authority has the power of the director to require a person to give information relating to any matter being investigated by the authority and to produce records, papers or things and the director ceases to have those powers. The director retains these powers in relation to any matter he or she is investigating.</p>	<p>Authorities with respect to matters it is investigating. The Director with respect to matters she is investigating.</p>
<p>4(2)(b.2) The director may do anything in relation to the <u>licensing of child care facilities</u> other than foster homes and the hearing and determination of <u>appeals</u> from agencies concerning the licensing of foster homes that may be prescribed by the regulations or otherwise considered necessary</p>	<p>24. An authority has the power of the director to do anything in relation to determining appeals from agencies with respect to the licensing of foster homes and the director ceases to have that power. The director retains the power under that clause to do anything in relation to the licensing of child care facilities other than foster homes.</p>	<p>Authorities with respect to foster homes. The Director with respect to child care facilities other than foster homes.</p>
<p>4(2)(c) The director may conduct <u>enquiries</u> and carry out <u>investigations</u> with respect to the welfare of any child dealt with under this Act</p>	<p>25. An authority has the power of the director to make enquiries and carry out investigations as to the welfare of a child. The director also retains that power.</p>	<p>Director and Authorities</p>
<p>4(2)(d) The director may establish <u>procedures to hear complaints</u> under this Act</p>	<p>26. An authority has the power of the director to establish complaint procedures under the Act. The director also retains that power.</p>	<p>Director and Authorities</p>

Child and Family Services Act Provision	Authorities Regulation Provision	Responsible Party
4(2)(e) The director may solicit, accept and review <u>reports</u> from individuals or organizations concerned or involved with the welfare of children, families, or both	27. An authority has the power of the director to solicit and review reports concerning the welfare of children and families. The director also retains that power.	Director and Authorities
4(2)(f) The director may designate in writing a place or type of places as a <u>place of safety</u> for the purposes of this Act	[silent]	Director
4(2)(g) The director may issue a written <u>directive to an agency</u>	28. An authority has the power of the director to issue a written directive to an agency. The director ceases to have that power except with respect to advising agencies about the operation of the child abuse registry.	Authorities. The Director only with respect to advising agencies about the CAR.
4(2)(h) The director may do <u>any other thing</u> in accordance with the provisions of this Act that the minister may require	[silent]	Director
4.1(1) The director may at any time, by order, <u>appoint a person as administrator</u> to act in the place of an agency and its board, if the director is of the opinion that (a) the agency or its board is not properly carrying out or exercising its responsibilities, duties or powers under this Act; or (b) the health and safety of children is threatened. [subsection (2) through (7) not reproduced]	29. An authority has the power of the director to appoint an administrator for an agency. The director ceases to have that power.	Authorities

Child and Family Services Act Provision	Authorities Regulation Provision	Responsible Party
<p>7(1) According to <u>standards</u> established by the director and subject to the authority of the director every agency shall:</p> <p>...</p> <p>(n) provide such reports as the director may require;...</p> <p>(p) conform to a written directive of the director;...</p> <p>(r) provide any other services and perform any other duties given to it by this Act or <i>The Adoption Act</i>, or by the director in accordance with this Act or <i>The Adoption Act</i>.</p> <p>[some sub-sections not reproduced]</p>	<p>30(1) An authority has the powers of the director to require agencies to carry out their duties</p> <p>(a) in accordance with standards established by it and the director; and</p> <p>(b) subject to its authority.</p> <p>The director ceases to have that power.</p> <p>30(2) An authority has the following powers of the director and the director ceases to have them:</p> <p>(a) under clause (n), to require agencies to provide reports;</p> <p>(b) under clause (p), to require agencies to conform to a directive;</p> <p>(c) under clause (r), to require agencies to provide other services and perform other duties given to it by the Act.</p>	<p>Authorities.</p> <p>Note that both the Director and the Authorities retain responsibilities with respect to establishing standards.</p>
<p>8(2) A person who is refused a <u>foster home licence</u> or whose licence is suspended, cancelled or not renewed by an agency may, within 10 days after receiving notice of the refusal, suspension, cancellation or non-renewal, appeal the matter to the director</p> <p>8(3) On receiving notice of an appeal under subsection (2), the director shall, within 30 days, consider the matter and in writing advise the appellant of his or her decision</p>	<p>31(1) Subject to subsection (2), an authority has the powers of the director to hear and decide appeals with respect to the licensing of foster homes. The director ceases to have those powers.</p> <p>31(2) If, on the day this regulation comes into force, an appeal to the director under subsection 8(2) of the Act has been commenced but not finally disposed of, the appeal shall be continued and completed by the director in accordance with subsections 8(2) and (3) of the Act.</p>	<p>Authorities</p>

Child and Family Services Act Provision	Authorities Regulation Provision	Responsible Party
<p>14(4) An <u>agreement</u> entered into under this section and any renewal may be terminated at any time, upon the execution of a prescribed form, either by the agency or person who entered into the agreement and notice of the termination shall be given by the agency to the director</p> <p>14(5) Where a person who has entered into an agreement with an agency under this section takes up residence outside the province without the prior approval in writing of the agency, the agency may immediately terminate the agreement and shall notify the director in writing</p>	<p>32 When an agency gives the director notice of the termination of a voluntary placement agreement, the agency must also give the authority notice.</p>	<p>Director and Authorities</p>
<p>15(4) The director may require an agency to submit all or any <u>agreements</u> under sections 12, 13 or 14 to him or her for approval</p>	<p>33. An authority has the power of the director to require an agency to submit agreements under sections 12 to 14 for approval. The director ceases to have that power, but the agency must continue to give the director copies of any agreements under section 14 (voluntary placement agreements).</p>	<p>Authorities – but the Director still gets copies of VPAs.</p>
<p>16(8) The director may require an agency to submit all or any <u>agreements</u> entered into under this section to him or her for approval</p>	<p>34. An authority has the power of the director to approve agreements. The director ceases to have that power, but the agency must continue to give the director copies of any agreements.</p>	<p>Authorities – but the Director still gets copies of VSGs.</p>

Child and Family Services Act Provision	Authorities Regulation Provision	Responsible Party
<p>16(11) Where more than 1 year has expired since the signing of a surrender of guardianship under this section and the child has not been placed for adoption, the person who surrendered guardianship may apply to the director to have the <u>surrender of guardianship withdrawn</u> and upon the director approving the application in writing the agreement is terminated</p> <p>16(12) Where the director refuses the application under subsection (11), the person may apply to the Court of Queen's Bench for an order that the agreement be terminated and the court may grant the order subject to such terms and conditions as the court considers appropriate</p>	<p>35. An authority has the power of the director to approve a withdrawal of a surrender of guardianship. The director ceases to have that power, but the agency must continue to give the director copies of any withdrawals of surrender of guardianship.</p>	<p>Authorities – but the Director still gets copies of any withdrawals of VSGs.</p>
<p>19(2) Agencies may, with the approval of the director, <u>establish a joint committee</u> and that committee shall be the child abuse committee for all the participating agencies</p>	<p>36. An authority has the power of the director to approve joint child abuse committees for agencies. The director ceases to have that power.</p>	<p>Authorities</p>
<p>21(1) The director, a representative of an agency or a peace officer who on reasonable and probable grounds believes that a child is in need of protection, may <u>apprehend the child</u> without a warrant and take the child to a place of safety where the child may be detained for examination and temporary care and be dealt with in accordance with the provisions of this Part</p> <p>[Subsections (2) – (5) not reproduced]</p>	<p>37. An authority has the power of the director to apprehend a child in need of protection and take the child to a place of safety. The director also retains that power.</p>	<p>Director and Authorities</p>

Child and Family Services Act Provision	Authorities Regulation Provision	Responsible Party
<p>26(1) The director, a representative of an agency or a peace officer who on reasonable and probable grounds believes that a child is in need of protection, may <u>leave the child with or return the child</u> to the person in whose charge the child is and notify that person that an application respecting the child will be made to court pursuant to the provisions of this Part</p> <p>26(2) A person who proceeds under subsection (1) shall forthwith notify the agency having jurisdiction where the child is and provide all particulars with respect to the child</p>	<p>38. An authority has the power of the director to leave a child with a person pending a protection hearing and notify the agency accordingly. The director also retains that power.</p>	<p>Director and Authorities</p>
<p>54 The director shall, during each 12 month period in care, <u>review the placement</u>, care and treatment of and the permanency plans for every child in the care of agencies</p>	<p>39. An authority has the duty of the director to review the plans for each child in the care of its agencies. The director ceases to have that duty.</p>	<p>Authorities</p>

Child and Family Services Act Provision	Authorities Regulation Provision	Responsible Party
<p>76(3) Subject to this section, a <u>record made under</u> this Act is confidential and no person shall disclose or communicate information from the record in any form to any person except ...</p> <p>(c) to the director or an agency; or</p> <p>...</p> <p>(e) by the director or an agency to another agency including entities out of the province which perform substantially the same functions as an agency where reasonably required by that agency or entity ...</p> <p>(f) to a student placed with the director or an agency by contract or agreement with an educational institution; or</p> <p>(g) where a disclosure or communication is required for purposes of this Act; or</p> <p>(h) by the director or an agency for the purpose of providing to the person who is the subject of the record, services under Part 2 of <i>The Vulnerable Persons Living with a Mental Disability Act</i>, or for the purpose of an application for the appointment of a substitute decision maker under Part 4 of that Act.</p> <p>... [provisions restricting access not reproduced]...</p>	<p>40(1) Subject to subsection (2), an authority</p> <p>(a) has the same duties that the director has</p> <p>(i) to keep records in its custody or control confidential, and</p> <p>(ii) to restrict access to and disclosure or communication of information from these records; and</p> <p>(b) has, in relation to agencies it has mandated the same powers that the director has to obtain access to records and to disclose, communicate or give access to information from them.</p> <p>40(2) An authority does not have the power of the director under subsection 76(20) of <i>The Child and Family Services Act</i> to review a refusal of access, an alleged disclosure, or a failure to comply with subsection 76(9) of that Act.</p> <p>40(3) The director retains the powers and duties of the director under section 76 of <i>The Child and Family Services Act</i>.</p>	<p>Director and Authorities – with the exception of s. 76(20) which powers remain solely with the Director.</p>

Child and Family Services Act Provision	Authorities Regulation Provision	Responsible Party
76(20) A person whose request for access to a record under this section has been refused in whole or in part, or who alleges that all or part of his or her record has been disclosed in contravention of this section or that there has been a failure to comply with subsection (9), may within 30 days of the refusal, or the alleged disclosure or failure to comply, request the director to review the matter and, subject to subsection (21), the decision of the director in the matter is final		

APPENDIX 2

Current Legislated Framework – Roles and Responsibilities

Federal (AANDC) Role

As referenced in Section 2, AANDC's role is to fund or reimburse First Nations service providers for administrative, protection, and prevention services as well as for the direct costs of placing children in temporary or permanent care out of the parental / custodial home.

AANDC does not deliver CFS. All children are protected pursuant to provincial or territorial child welfare legislation. Child and Family Services are matters of provincial or territorial jurisdiction.

The federal government only funds CFS service providers duly mandated by the province. Eligible recipients in the Province of Manitoba for the FNCFS funding are:

- Chiefs and Councils of Indian bands recognized by the Minister of AANDC;
- Tribal Councils;
- FNCFS Agencies or Societies duly mandated by the province;
- The Province of Manitoba;
- Other mandated Child and Family Service providers including provincially mandated agencies and societies; and
- First Nations and First Nations organizations or organizations supported by First Nations who apply to deliver the capacity building activities under the Social Development Management Improvement Initiative.

Funding, whether it is provincial or federal, is provided pursuant to the provincial legislative framework.

Provincial (FSL) Role

Under the current governance structure, the Province of Manitoba, through the Child Protection Branch, Child and Family Services Division, Department of Family Services and Labour – in collaboration with the Authorities – is responsible for:

- Allocating funding and other resources to the four CFS Authorities;
- Providing support services to the Authorities;
- Monitoring and assessing how authorities carry out their responsibilities under the Act;
- Setting provincial objectives and priorities for the provision of CFS; and
- Establishing policies and standards for child welfare.

The Province is the sole funder of the Child and Family Services Authorities. The funding is provided to ensure that the Authorities have the necessary resources to provide quality oversight of agencies within their mandates.

Authority Roles

The four Authorities design and manage the delivery of CFS throughout the province, assist in setting standards, and provide funding to agencies that deliver services.

Section 17 of *The Child and Family Services Authorities Act* outlines the specific duties and powers of the Authorities. Specifically, Authorities must:

- Promote the safety, security and well-being of children and families, and protect children in need of protection;
- Develop objectives and priorities for providing CFS consistent with provincial objectives and priorities;
- Ensure that culturally appropriate standards for services, practices and procedures are developed;
- Ensure that the standards developed under clause (c) are consistent with provincial standards, objectives and priorities;
- Ensure that the agencies it has mandated under Part 1 of *The Child and Family Services Act* provides services and follow the practices and procedures in accordance with the standards referred to in clause (c);
- Establish hiring criteria for persons to be hired to provide CFS, and ensure that those criteria are implemented by agencies it has mandated;
- Ensure that CFS prescribed by regulation are provided or made available, and ensure that there is reasonable access to services generally;
- Ensure that CFS are provided: (i) in a manner that is responsive to the needs of the children and families receiving the services and; (ii) where practicable, in the language in which those children and families ordinarily communicate with each other;
- Determine how funding is to be allocated among the agencies it has mandated in order to meet: (i) The objectives and priorities developed by the Authority, and; (ii) Provincial objectives and priorities;
- Cooperate with other authorities, the director and others to ensure that the delivery of CFS in the province is properly coordinated;
- Advise the agencies it has mandated;
- Ensure the development of appropriate placement resources for children;
- Advise the Minister about CFS matters;
- Supervise or direct the supervision of children in care, and receive and disburse money payable for their care;
- Make recommendations to the Director about the licensing of child care facilities other than foster homes that are not owned and operated by an agency;

- Hear and decide appeals respecting the licensing of foster homes; and
- Comply with any written directions given by the Minister, and with any requirements specified in the regulations.

Agency Responsibilities / Roles

Each Authority provides funding to its CFS agencies for the delivery of CFS. Agency responsibilities, as outlined in *The Child and Family Services Act* Section 7 (1) include that they:

- Work with other human service systems to resolve problems in the social and community environment likely to place children and families at risk;
- Provide family counselling, guidance and other services to families for the prevention of circumstances requiring the placement of children in protective care or in treatment programs;
- Provide family guidance, counselling, supervision and other services to families for the protection of children;
- Protect children and investigate allegations or evidence that children may be in need of protection;
- Develop and provide services which will assist families in re-establishing their ability to care for their children;
- Provide care for children in its care;
- Develop permanency plans for all children in its care with a view to establishing a normal family life for these children;
- Provide adoption and post-adoption services under *The Adoption Act*;
- Provide parenting education and other supportive services and assistance to children who are parents, with a view to ensuring a stable and workable plan for them and their children;
- Develop and maintain child care resources;
- Provide services which respect the cultural and linguistic heritage of families and children;
- Provide reports as required;
- Take reasonable measures to make known in the community, the services the agency provides;
- Conform to a written directive of the director;
- Maintain such records as required for the administration of any provision of this Act or *The Adoption Act* or the regulations;
- Provide any other services and perform any other duties given to it by this Act or *The Adoption Act*, or by the Authority in accordance with this Act or *The Adoption Act*.

APPENDIX 3

EXTERNAL REVIEWS – FUNDING RECOMMENDATIONS

Review Recommendations Addressed through implementation of the proposed federal / provincial harmonized funding model
That the Department (CFS Division), in collaboration with the CFS Authorities, determine and assess the rationale and logic for the existing funding models' assumptions, base amounts and calculations, as well as assess whether the models provide fair and equitable funding to the mandated agencies for child maintenance and services to families. If it is determined that fair and equitable funding is not being provided, that an alternative funding model be developed. <i>Audit of the Child and Family Services Division Pre-Devolution Child in Care Processes and Practices</i> (January 2007)
That the Department (CFS Division), in collaboration with the CFS Authorities, review the funding model on a periodic basis to ensure continuing appropriateness. <i>Audit of the Child and Family Services Division Pre-Devolution Child in Care Processes and Practices</i> (January 2007)
That the CFS Authorities in collaboration with the Department (CFS Division), determine and assess the rationale and logic for the existing funding models' assumptions, base amounts and calculations, as well as assess whether the models provide fair and equitable funding to the mandated agencies. If it is determined that fair and equitable funding is not being provided, that an alternative funding model be developed. <i>Audit of the Child and Family Services Division Pre-Devolution Child in Care Processes and Practices</i> (January 2007)
That the Department of Family Services and Labour, along with any relevant government departments should make available prevention funding, to support social and recreational programs encouraging healthy alternatives for children and youth receiving services through a child welfare agency. No-cost, family-focused recreational activities should be promoted as healthy alternatives for 'high risk' families. (Section 7.2) <i>Honouring Their Spirits</i> (September 2006)
That the Department of Family Services and Labour increase funding through prevention programs to specifically fund counselling to children and adolescents who are seen to be in high need for support but are not in the care of a child welfare agency. (Section 8.2) <i>Honouring Their Spirits</i> (September 2006)
That the Department of Family Services and Labour increase funding through prevention programs to specifically fund family counselling for parents and adolescents who are experiencing conflict, which has resulted in the involvement of a child welfare agency. (Section 8.2) <i>Honouring Their Spirits</i> (September 2006)
That funding for prevention and family support programs in the North be increased to ensure that adequate funding is available to provide services that are equitable to services available in the South. (Section 9.6) <i>Honouring Their Spirits</i> (September 2006)
That the Provincial Government work collaboratively with the Authorities to determine sufficient funding to adequately resource the child protection system in Manitoba to address workload, training, and necessary case-support services for front line workers and supervisors. <i>A Case Review in Regard to the Death of Phoenix Sinclair</i> (September 2006)
That funding be provided to the department immediately to begin the process of planning and implementing support and prevention programs throughout the province. We further recommend that by 2008/09 the full costs of providing these programs be included in the Family Services and Labour budget and that the savings realized from the program be reinvested in the system. <i>Strengthen the Commitment</i> (September 2006)

Review Recommendations Addressed through implementation of the proposed federal / provincial harmonized funding model
That any savings achieved elsewhere in the system as a result of the differential response model be reinvested in the system. <i>Strengthen the Commitment</i> (September 2006)
That sufficient funding be put into place to ensure the support and prevention services to a family needing those services follows the family when the file is transferred to an agency as an ongoing case. <i>Strengthen the Commitment</i> (September 2006)
That sufficient funding be allocated to allow support services to continue through the support and prevention program even after a child welfare protection file is closed where a family may need ongoing support. <i>Strengthen the Commitment</i> (September 2006)
That the DIA function outside of Winnipeg and on-reserve, be adequately funded to allow for the delivery of the range of support and preventative services prescribed under legislation. <i>Strengthen the Commitment</i> (September 2006)
That adequate funding be made available for family support programs to be accessed by families regardless of whether or not the child is in the care of an agency. <i>Strengthen the Commitment</i> (September 2006)
That the funding model provide current price and volume funding for all requirements of operating the agency and funding the needs of children. <i>Strengthen the Commitment</i> (September 2006)
That in the course of developing a needs based funding model that there be a study conducted focused on the costs of providing services in remote communities and that the results of this study be used to develop a model that is appropriate for each community, taking into consideration mode of travel, costs of goods and distance from the service centre. <i>Strengthen the Commitment</i> (September 2006)
That the funding model be changed from one that is based on the number of children in care to one that provides funding based upon the needs of the system to deliver child welfare services, including the flexible services that will be offered through the differential response that will prevent children from coming into care. <i>Strengthen the Commitment</i> (September 2006)
That the provincial government enter into discussions with the federal government to develop a plan to ensure consistent funding models that will provide services equitably across the province regardless of the status of a child and regardless of where the child lives. <i>Strengthen the Commitment</i> (September 2006)
That the necessary time and research be devoted to the establishment of an appropriate funding model for the system. <i>Strengthen the Commitment</i> (September 2006)
That the government services available to the General Authority and its government agencies be fully costed to ensure that funding is equitable. We also recommend that the government agencies be cost and included in the allocation of resources to the General Authority to ensure transparency of funding among the Authorities and that the General Authority have the same funding responsibilities for its agencies as the other Authorities have. <i>Strengthen the Commitment</i> (September 2006)
That the Department of Family Services and Labour increase funding to reduce the workload of Social Workers enabling them to increase time in direct service work with youth in care. <i>Strengthening Our Youth</i> (November 2006)

**Review Recommendations Addressed through implementation of the proposed federal / provincial
harmonized funding model**

That urgent and continued discussions need to be participated in to reappraise appropriate funding mechanisms between the federal and provincial governments to deal with the critical child welfare issues plaguing our First Nations communities. *Report on the Inquest of Tracia Owen* (January 2008)

APPENDIX 4

SUPPLEMENTARY REPORTS ON AGENCY OPERATIONS

A) In addition to the reporting required by Manitoba as per the Financial Reporting Requirements referenced in Section 11.00 of this Agreement, the Authority agrees to provide the following reports and information regarding the mandated Agencies of the Authority (the "Agencies"):

- 1) A copy of each Agency's annual budget by April 30 of each fiscal year, approved by the Authority;
- 2) A copy of each Agency's annual Audited Financial Statements by June 30 of each year;
- 3) A copy of an Organization Chart for each Agency by June 30 of each year;
- 4) Final year end reports in the format as prescribed below by June 30 of each year with respect to each Agency, as follows:
 - a) Annual Report on Authority Payments to each Agency ;
 - b) Annual Report on Revenue, Expenditure, and Surplus/(Deficit) by Program;
 - c) Interim Report on Revenue, Expenditure, and Surplus/(Deficit) by Program;
 - d) Annual Staffing Report;
 - e) Annual Full Time Equivalents (FTE) Report; and
 - f) Quarterly Children's Special Allowance/Universal Child Care Benefits Report; and

The format for the reports specified in 1 through 4 above shall be consistent with Manitoba's Financial Reporting Requirements (FRR) as set out in Section 11.00 of this Agreement.

5) Other information as may be requested by Manitoba from time to time.

B) The Authority agrees that it will monitor the financial operations of each Agency and advise Manitoba as soon as possible, but no later than 30 days from the identification of the issue:

- i) if the Agency's expenditures are projected to be in excess of approved Provincial funding;
- ii) any other financial irregularities are identified by the Authority.

4 a) ANNUAL REPORT REPORT ON AUTHORITY PAYMENTS TO AGENCIES						
NORTHERN AUTHORITY			FREQUENCY: ANNUAL BY JUNE 30			
AGENCY	PROGRAM					TOTAL
	CS/PROG	FSS	CM	OTHER (SPECIFY)		
	AMOUNT	AMOUNT	AMOUNT	AMOUNT	EXP.	
TOTAL						

4b) ANNUAL REPORT ON REVENUE, EXPENDITURE AND SURPLUS/DEFICIT BY PROGRAM					
NORTHERN AUTHORITY			FREQUENCY:		
			ANNUAL BY JUNE 30		
AGENCY _____					
CATEGORY	REVENUE	EXPEND.	SURPLUS(DEFICIT)		
			YEAR	CUM.	
CENTRAL SUPPORT/PROGRAM					
DESIGNATED INTAKE					
FAMILY SUPPORT SERVICES					
CHILD MAINTENANCE					
FAMILY INNOVATIONS FUND					
PROJECT FUND					
OTHER (IDENTIFY)					
TOTAL	0	0	0	0	

4c) INTERIM REPORT ON REVENUE, EXPENDITURE AND SURPLUS/DEFICIT BY PROGRAM						
AUTHORITY _____			FREQUENCY: _____			
			INTERIM @ SEPTEMBER 30 BY OCTOBER 31			
AGENCY _____						
	ACTUAL TO SEPTEMBER 30			ANNUAL FORECAST		
CATEGORY	REVENUE	EXPEND.	SURPLUS (DEFICIT)	REVENUE	EXPEND.	SURPLUS (DEFICIT)
CENTRAL SUPPORT/PROGRAM						
DESIGNATED INTAKE						
FAMILY SUPPORT SERVICES						
CHILD MAINTENANCE						
FAMILY INNOVATIONS FUND						
PROJECT FUND						
OTHER (IDENTIFY)						
TOTAL	0	0	0	0	0	

[illegible][illegible][illegible]

4f) CHILDREN'S SPECIAL ALLOWANCE/UNIVERSAL CHILD CARE BENEFIT								
RECONCILIATION BY AGENCY								
AGENCY _____			FREQUENCY: ANNUAL BY JUNE 30					
	RECEIVED						REMITTED	
	CHILDREN'S SPECIAL ALLOWANCE			UNIVERSAL CHILD CARE BENEFIT				
MONTH	# OF CHILDREN	DATE RECEIVED	AMOUNT	# OF CHILDREN	DATE RECEIVED	AMOUNT	DATE	AMOUNT
APR								
MAY								
JUN								
JULY								
AUG								
SEPT								
OCT								
NOV								
DEC								
JAN								
FEB								
MAR								
TOTAL	0		0	0		0		

APPENDIX 5 Child Maintenance Chart of Accounts

FOSTER CARE RATE 2011/2012 (Effective September 1, 2011)

CHART OF ACCOUNTS	PAYABLE TO FOSTER PARENTS					
	SOUTH OF 53		NORTH OF 53 (road access)		NORTH OF 53 East of Lake Winnipeg N51 12' (no road access)	
	0-10	11-17	0-10	11-17	0-10	11-17
Household Allowance	0.58	0.58	0.60	0.60	0.60	0.60
Bedding and Linen	0.59	0.59	0.63	0.63	0.63	0.63
Repairs and Equipment	1.17	1.29	1.21	1.35	1.21	1.35
Utilities	1.36	1.36	1.43	1.43	1.43	1.43
Food	7.12	9.03	7.84	9.96	10.34	13.11
Health and Personal Care	0.68	1.07	0.71	1.11	0.71	1.11
Transportation	2.02	2.02	2.10	2.10	2.10	2.10
Respite	2.33	2.33	2.46	2.46	2.46	2.46
Replacement Clothing	2.39	2.95	2.48	3.12	2.48	3.12
Personal Allowance	0.84	1.98	0.91	2.07	0.91	2.07
Babysitting/Child Care	1.52	1.52	1.62	1.62	1.62	1.62
Damages/Deductibles	1.19	2.33	1.26	2.41	1.26	2.41
TOTAL TO FOSTER PARENT	21.79	27.05	23.25	28.86	25.75	32.01
<u>AGENCY ALLOWANCE</u>						
Gifts	0.36	0.36	0.37	0.37	0.37	0.37
Activities, Education, Special Occasion, and Other Special Costs	1.43	1.43	1.48	1.48	1.48	1.48
Sport/Recreation	0.59	0.59	0.59	0.59	0.59	0.59
SUB-TOTAL	2.38	2.38	2.44	2.44	2.44	2.44
*TOTAL RATE	24.17	29.43	25.69	31.30	28.19	34.45
Northern Food Allowance			0.36	0.44	2.83	3.56
			25.33	30.86	25.36	30.89

*Includes Northern Food Allowance

SHELTER (Replacement Clothing,
Personal Allowance and Agency
Allowance Items)

5.61 7.31 5.83 7.63 5.83 7.63

APPENDIX 6

Five Year Business Plan Matrix & Budget Template (Short & Detailed)

BUSINESS PLAN MATRIX – OVERVIEW

The following overview provides minimum requirements which are subject to Authority variation.

1. **Executive Summary** – The executive summary section of a business plan is a summary of the highlights of your business plan. It will usually contain a brief statement of the problem or proposal covered in the major document(s), background information, concise analysis and main conclusions.

- No more than a page or two
- Should summarize all the other sections of the plan
- Should include key financial numbers from the plan

2. **Community Profile** – the community profile section is a summary of what the community looks like today.

- Resources/services/networks relevant to Child and Family Services
- Challenges community faces
- Demographics for each community/site

See Census Canada for data: www.statcan.gc.ca or Aboriginal Affairs and Northern Development Canada www.ainc-inac.gc.ca or Manitoba Health Statistics www.gov.mb.ca/health/annstats/

3. **Agency Profile:** the agency profile is a summary of what the agency looks like today.

- Value/Vision Statement
- Mission Statement;
- Agency Goals & Objectives
- Reporting Structure
- a) Caseload Data
 - Summary caseload
 - Trends/What are the contributing issues?
 - Forecasts
 - Placement Information
- b) Inventories
 - Current Key Partners
 - Current Services
 - Agency Prevention/Family Enhancement Program
- c) Infrastructure for all sites
 - Physical structure
 - Agency transportation
 - Workstations
 - Computers
- d) Analysis of what is needed and the cost of replacement.
- e) Governance
 - Governance Structure

4. **Agency Operational Plan** – the agency operational plan provides detail on the major activities, timelines and use of the resources to be provided under the new funding model, for each fiscal year of the Business Plan.
 - a) Agency Challenges and Issues
 - b) Agency Review Recommendation themes
 - c) Agency Analysis of Challenges and Issues (forms basis for priority identification)
 - d) Assumptions on which Agency's plan is based
 - e) Agency Priorities, Objectives and Strategies by Key Operational Areas corresponding with provincial, federal and authority priorities and framework documents.
 - f) Outcomes (Family Services and Labour, Authority; Agency) what are the desired outcomes, measures and indicators of success, data collection processes, review process to evaluate outcomes.
 - g) Surplus / Deficit – if relevant how is Agency addressing
5. **Agency Work Plan** – the agency work plan is a management tool for guiding the agency. The overall plan is divided into a logical sequence of steps including time for completion of each step, who does what and when and a budget.
6. **Budget** – Budgets are plans. A plan or statement of estimated income and spending costs for 5 fiscal years that meets the requirements as set by government.
7. **Appendices**
 - Appendix A - Agency Organizational Chart
 - Appendix B – Letters from the Authority and the relevant Board supporting the agency's business plan.
 - Appendix C – Where an Agency has no Board Community Letter of Support of Agency's Service Plan

BUSINESS PLAN MATRIX – DETAILED FORMAT

Child and Family Services Agency: _____

Child and Family Authority: _____

1. Executive Summary: The executive summary section of a business plan is a summary of the highlights of your business plan. It will usually contain a brief statement of the problem or proposal covered in the major document(s), background information, concise analysis and main conclusions.

- No more than a page or two
- Should summarize all the sections of the plan
- Should include key financial numbers from the plan
- Brief Financial Overview for 5 fiscal years: Total projected revenue for operations and maintenance for the following fiscal years. Each of the following should be completed by the funders and provided to the Agency as the basis for their planning.

REVENUE						
Source/Type of Funding		2010/2011	2011/2012	2012/2013	2013/2014	2014/2015
AANDC	Core & Protection					
	Child Maintenance					
	Family Enhancement					
Provincial	Child Maintenance					
Authority	Core Operations					
	Designated Intake					
	Protection					
	Family Enhancement					
	Family Support					
Other - i.e. Grants, etc						
Children's Special Allowance for Provincial CIC						
Children's Special Allowance for Federal CIC						
Total						

EXPENDITURES						
Source/Type of Funding		2010/2011	2011/2012	2012/2013	2013/2014	2014/2015
AANDC	Core & Protection					
	Child Maintenance					
	Family Enhancement					
Provincial	Child Maintenance					
Authority	Core Operations					
	Designated Intake					
	Protection					
	Family Enhancement					
	Family Support					
Other i.e. Grants, etc						
Children's Special Allowance for Provincial CIC						
Children's Special Allowance for Federal CIC						
Total						

2. Profile/Environment Scan of community/sites: the community profile section is a summary of what the community looks like today. To be completed for each site/community that provides a service.

What resources/services are in the community that is relevant to the delivery of child and family services?

Resources/Services	Location of Closest Facility		
	Main Office	Sub-Office 1	Sub-Office 2
<u>Other Social Services:</u>			
Licensed Day Care			
Community Mental Health			
Addictions Treatment Center			
Addiction Counselors			
Food Securities (Food Banks)			
<u>Health Services:</u>			
Hospital			
Medical Clinic			
Nursing Station			
<u>Education:</u>			
Pre-School /Nursery			
Elementary			
Junior High School			
High School			
Alternative Education			
Post Secondary Institutions			
College and University			
<u>Services:</u>			
Police			
RCMP			
Tribal Police			
Band Constable			
Fire Hall			
<u>Modes of Transportation:</u>			
Taxi			
Intercity Bus Service			
Local Bus			
Handi-Transit Bus			
Railroad			
Airport			
Marina			
Other			

Housing:

<u>Off-Reserve:</u>	Community	Most Current Statistic
Total Number of Dwellings		
1 – 2 bedrooms		
3 or more bedrooms		
Apartments		
Is there a waiting list? If so, what is the total number on the list?		
<u>On-Reserve:</u>	Community	Most Current Statistic
Total Number of Dwellings		
1 Family Household		
Couple Family Households		
Female Lone Parent Household		
Male Lone Parent Household		
Multi-Family Households		
Non-Family Household		
Is there a waiting list? If so, what is the total number on the list?		

Education:

Highest level of Schooling	Total	Male	Female
Population 15 years and over			
Persons with less than a high school graduation certificate			
Persons with a high school graduation certificate			
Persons with some post secondary education			
Persons with a trades, college or university certificate or diploma (below bachelor's degree)			
Persons with a university degree at BA level or higher			

Income:

	Total	Male	Female
Persons 15 years of age and over with income			
Average total income (all persons with income)			

[illegible]

3. Agency Profile: the agency profile is a summary of what the agency looks like today.

Vision Statement

Mission Statement

Agency Goals and Objectives

Caseload Data: Case load data as of March 31st over the last 5 year period, breaking data down by site or community served.

a) Type of Cases

	2005/2006		2006/2007		2007/2008		2008/2009		2009/2010	
Case Type	Fed	Prov	Fed	Prov	Fed	Prov	Fed	Prov	Fed	Prov
Voluntary Family Service - financial assistance only										
Voluntary Family Service - EPS										
Voluntary Family Service										
Family Enhancement										
Protection										
Protection - EPS										
Children in Care										
Children in Care- Supervision										
Adoption										
Foster Care Management										

b) Legal Status										
	2005/2006		2006/2007		2007/2008		2008/2009		2009/2010	
	Fed	Prov	Fed	Prov	Fed	Prov	Fed	Prov	Fed	Prov
Apprehension										
Temporary Ward										
Perm. Ward: Court										
Perm. Ward: VSG										
VPA										
Transitional Planning										
Petition Filed										
Order of Supervision										
c) Placement Information: Part 1										
Type of Placement		2005/2006	2006/2007	2007/2008	2008/2009	2009/2010				
Foster Home	Regular									
	Specialized									
Place of Safety										
Group Home – Residential Care Facilities										
Independent Living										
Correctional Facility										
Health/Mental Health Facility										
Select Adoption Probation										
Own Home/Relative – non-pay										
Other										
Out of Province										

Placement Information: Part 2 – 2009/2010 only

Type of Placement	Region	Percentage		Culturally Appropriate
		In Community	Out of Community	
Foster Home – Regular				
Foster Home – Specialized				
Place of Safety				
Group Home – Residential Care Facility				
Independent Living				
Correctional Facility				
Health/Mental Health Facility				
Select Adoption Probation				
Own Home/Relative – non-pay				
Other				
Out of Province				

d) Trends:

What is the trend in the last five years for children coming into care? What issues have you identified that have contributed to this trend?

Provide an overview of the Agency's plans to address these issues in the next five years.

e) Current Inventories: Part 1

	Location	Current Services
Formal Community Partners (doing work or projects with)		
Agency Programs		
Agency Prevention/Family Enhancement Programs		
Agency Operated Facilities – assessment and emergency resources - 4 Bed Units)		
Agency Specialized Homes		
Agency Resource Centres		

Current Inventories: Part 2 – Child Abuse Committee

	Yes	No
Do you have a Child Abuse Committee that meets the requirements of the Child Abuse Regulation? If no, attach the letter from the Director, required per the Child Abuse Regulation		
What are the major issues facing your Child Abuse Committee? What is the agency work plan to support Abuse Committee development?		

Current Inventories: Part 3 – Designated Intake Agencies

	Yes	No		
Is your Agency a Designated Intake Agency?				
If yes, please complete the chart below				
	2006/2007	2007/2008	2008/2009	2009/2010
Number of calls				
Number of Investigations				
Number of Transfers to On-going Service				
DIA Steering Committee Challenges and Plan to Address				
On Reserve Intake and Emergency Service				
	2006/2007	2007/2008	2008/2009	2009/2010
Number of calls				
Number of Investigations				
Number of Transfers to On-going Service				
Challenges and Plan to Address				

Current Inventories: Part 4 – Agency Steering and Community Committees

	Yes	No
Does your Agency have any community Committees?		
List Committees and their function		
Issues and Challenges and Plan to Address		

NOTE THAT THE BUSINESS PLAN SHOULD ALSO INCLUDE A STAFFING PLAN FOR FUTURE YEARS

f) Infrastructure: Part 1 - Service locations, description of office site

Is the physical structure adequate?

Description of Structure (including if the space is sufficient and in good repair, adequate to house workers and meet with clients)	
Location	
Lease / Usage Agreement	
Geographical area it serves	
Office Location Access (Road, Fly In Rail)	

Infrastructure: Part 2 - Modes of transportation by office site

Does the agency own or lease vehicles? Yes No		Number of vehicles:	
Type of Vehicle (Automobile, Boat, SUV, Snowmobile, ATV, etc.)	Year, Make, Model	Lease/Own	Location Stored

Infrastructure: Part 3 - Workstations (Offices, Cubicles, Open area desks) by office site

Work Site/Office	Number of workstations	Number of workstations needed

Infrastructure: Part 4 - Computers by office site

[illegible]

g) Governance

	Yes	No	Date to be completed	Last Revision Date
Are all agency board positions filled?				
Does the Board have current By-Laws?				
Does the Board have a Strategic Plan?				
Are there any current Board Challenges?			Specify	
Is the Agency under Administration (by the Authority) or co-management (by AANDC)?			Plan to return Agency to Community Board Control	

h) Agency Policies

	Yes	No	Date to be completed	Last Revision Date
Does the Agency have an HR Policy Manual?				
Does the Agency have job descriptions?				
Does the Agency have a policy and procedures manual?				
Does the Agency have a business continuity plan?				
Does the Agency have any collective agreements?				

Any issues should have work plans for development included in the business plan matrix

4. Part B – Agency Operational Plan: the operational plan provides detail on the key milestones, activities, who is responsible, resources needed, timelines, outcomes and evaluation method for, implementing each fiscal year of the Business Plan.

Key Operational Areas include:

- Core Management Development (Human Resources, finance, IT),
- Designated Intake Service Development,
- Protection and Investigation Service Development,
- Services to Children in Care Development,
- Alternate Care – Placement Resource Development
- Prevention Service Development,

LIST AS MANY OBJECTIVES AS REQUIRED IN EACH KEY OPERATIONAL AREA

OBJECTIVE 1

Key Activities	
Who is responsible	
Resources Needed	
Timelines	
Evaluation – What are your identified milestones in achieving your objective?	
Current Status of Activity (Pending, In Progress, Significant Progress, Complete)	
Accomplishments and Progress to Date	

5 YEAR BUSINESS PLAN – BUDGET TEMPLATE – SHORT VERSION

Agency:							
		Projected	2011/12	2012/13	2013/14	2014/15	2015/16
		2010/11	Budget	Budget	Budget	Budget	Budget
		Actuals	Forecast	Forecast	Forecast	Forecast	Forecast
Revenue							
Aboriginal Affairs and Northern Development Canada							
	Core Operations	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Protection	-	-	-	-	-	-
	Family Enhancement	-	-	-	-	-	-
	Maintenance	-	-	-	-	-	-
	Other	-	-	-	-	-	-
Province of Manitoba							
	Maintenance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Other	-	-	-	-	-	-
Authority							
	Core Operations incl. IT support	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Protection	-	-	-	-	-	-
	Designated Intake Agency	-	-	-	-	-	-
	Family Enhancement	-	-	-	-	-	-
	Children's Special Allowance - Provincial	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Children's Special Allowance - Federal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Interest	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Donations	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Other Revenue	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Total Revenue	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Core Operations							
	Salaries and Benefits	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Operating	-	-	-	-	-	-
	Audit Expense	-	-	-	-	-	-
	Board Expense	-	-	-	-	-	-
	Board Training	-	-	-	-	-	-
	Insurance	-	-	-	-	-	-
	Legal	-	-	-	-	-	-
	Information Technology costs	-	-	-	-	-	-
	Travel	-	-	-	-	-	-
	Training	-	-	-	-	-	-
	Total Core Operations	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Child Protection							
Provincial Child Protection							
	Projected Caseload	-	-	-	-	-	-
	Salaries and Benefits	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Operating	-	-	-	-	-	-

Agency:

	Projected 2010/11 Actuals	2011/12 Budget Forecast	2012/13 Budget Forecast	2013/14 Budget Forecast	2014/15 Budget Forecast	2015/16 Budget Forecast
Information Technology	-	-	-	-	-	-
Transportation	-	-	-	-	-	-
Training	-	-	-	-	-	-
Purchased Services (Family Support)*	-	-	-	-	-	-
Contracted Resources **	-	-	-	-	-	-
Subtotal - Provincial Child Protection	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Federal Child Protection						
Salaries and Benefits	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating	-	-	-	-	-	-
On Reserve After Hours	-	-	-	-	-	-
Information Technology	-	-	-	-	-	-
Transportation	-	-	-	-	-	-
Training	-	-	-	-	-	-
Purchased Services (Family Support)*	-	-	-	-	-	-
Contracted Resources **	-	-	-	-	-	-
Subtotal - Federal Child Protection	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Child Protection	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Designated Intake Agency (if applicable)						
Salaries and Benefits	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating	-	-	-	-	-	-
Transportation	-	-	-	-	-	-
Training	-	-	-	-	-	-
Total Designated Intake Agency	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Family Enhancement						
Provincial Family Enhancement						
Projected Caseload	-	-	-	-	-	-
Salaries and Benefits	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating	-	-	-	-	-	-
DIA Family Enhancement	-	-	-	-	-	-
Information Technology	-	-	-	-	-	-
Transportation	-	-	-	-	-	-
Training	-	-	-	-	-	-
Purchased Services (Family Support)*	-	-	-	-	-	-
Contracted Resources **	-	-	-	-	-	-
Subtotal - Family Enhancement/Prevention	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Federal Family Enhancement						

Agency:						
	Projected 2010/11 Actuals	2011/12 Budget Forecast	2012/13 Budget Forecast	2013/14 Budget Forecast	2014/15 Budget Forecast	2015/16 Budget Forecast
Salaries and Benefits	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating	-	-	-	-	-	-
On Reserve After Hours	-	-	-	-	-	-
Information Technology	-	-	-	-	-	-
Transportation	-	-	-	-	-	-
Training	-	-	-	-	-	-
Purchased Services (Family Support)*	-	-	-	-	-	-
Contracted Resources **	-	-	-	-	-	-
Subtotal - Family Enhancement	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Family Enhancement	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total - Agency Operations	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Agency Operations Surplus/(Deficit)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Provincial Child Maintenance						
Maintenance Billings	-	-	-	-	-	-
CSA Remittance to Province	-	-	-	-	-	-
Other Supports	-	-	-	-	-	-
Subtotal - Provincial Child Maintenance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Federal Child Maintenance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Child Maintenance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Agency Expenditures	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Agency Operations Surplus/(Deficit)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

* Purchased Services (Family Support) represents expenditures related to funding of \$1,300 per case under the CFS Funding Model for Family Support.

** Contracted Resources represents expenditures for contracted services with community partner and/or contracted services in support of front-line service delivery.

5 YEAR BUSINESS PLAN – BUDGET TEMPLATE – LONG VERSION

Agency:

	Projected 2010/11 Actuals	2011/12 Budget Forecast	2012/13 Budget Forecast	2013/14 Budget Forecast	2014/15 Budget Forecast	2015/16 Budget Forecast
Revenue						
<i>Aboriginal Affairs and Northern Development Canada</i>						
Core Operations	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Protection	-	-	-	-	-	-
Family Enhancement	-	-	-	-	-	-
Maintenance	-	-	-	-	-	-
Other	-	-	-	-	-	-
<i>Province of Manitoba</i>						
Maintenance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Other	-	-	-	-	-	-
<i>Authority</i>						
Core Operations incl. IT support	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Protection	-	-	-	-	-	-
Designated Intake Agency	-	-	-	-	-	-
Family Enhancement	-	-	-	-	-	-
Children's Special Allowance - Provincial	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Children's Special Allowance - Federal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Interest	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Donations	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Other Revenue	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Revenue	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Core Operations						
Salaries	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Employee Benefits	-	-	-	-	-	-
Membership and Dues	-	-	-	-	-	-
Mortgage/Rent	-	-	-	-	-	-
Telephone	-	-	-	-	-	-
Utilities	-	-	-	-	-	-
Building/Office Maintenance	-	-	-	-	-	-
Capital Expenditures	-	-	-	-	-	-
Information Technology Costs	-	-	-	-	-	-
Bank Charges, Interest and Fees	-	-	-	-	-	-
Payroll Services	-	-	-	-	-	-
Insurance	-	-	-	-	-	-
Training	-	-	-	-	-	-
Travel	-	-	-	-	-	-
Professional fees	-	-	-	-	-	-
Office Supplies and Equipment	-	-	-	-	-	-
Audit Expense	-	-	-	-	-	-
Board Honoraria	-	-	-	-	-	-
Board Travel	-	-	-	-	-	-
Board Training	-	-	-	-	-	-

Agency:

	Projected 2010/11 Actuals	2011/12 Budget Forecast	2012/13 Budget Forecast	2013/14 Budget Forecast	2014/15 Budget Forecast	2015/16 Budget Forecast
Annual General Meeting	-	-	-	-	-	-
Audit Expense	-	-	-	-	-	-
Miscellaneous Expenses	-	- #	-	-	-	-
Total Core Operations	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Child Protection						
Provincial Child Protection						
Projected Caseload	-	-	-	-	-	-
Salaries	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Employee Benefits	-	-	-	-	-	-
Membership and Dues	-	-	-	-	-	-
Mortgage/Rent	-	-	-	-	-	-
Telephone	-	-	-	-	-	-
Utilities	-	-	-	-	-	-
Building/Office Maintenance	-	-	-	-	-	-
Bank Charges, Interest and Fees	-	-	-	-	-	-
Insurance	-	-	-	-	-	-
Training	-	-	-	-	-	-
Transportation	-	-	-	-	-	-
Purchased Services (Family Support)*	-	-	-	-	-	-
Contracted Resources **	-	-	-	-	-	-
Subtotal - Provincial Child Protection	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Federal Child Protection						
Salaries	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Employee Benefits	-	-	-	-	-	-
On Reserve After Hours	-	-	-	-	-	-
Membership and Dues	-	-	-	-	-	-
Mortgage/Rent	-	-	-	-	-	-
Telephone	-	-	-	-	-	-
Utilities	-	-	-	-	-	-
Building/Office Maintenance	-	-	-	-	-	-
Bank Charges, Interest and Fees	-	-	-	-	-	-
Insurance	-	-	-	-	-	-
Training	-	-	-	-	-	-
Transportation	-	-	-	-	-	-
Purchased Services (Family Support)*	-	-	-	-	-	-
Contracted Resources **	-	-	-	-	-	-
Subtotal - Federal Child Protection	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Child Protection	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Designated Intake Agency (if applicable)

Agency:						
	Projected 2010/11 Actuals	2011/12 Budget Forecast	2012/13 Budget Forecast	2013/14 Budget Forecast	2014/15 Budget Forecast	2015/16 Budget Forecast
Salaries	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Employee Benefits	-	-	-	-	-	-
Membership and Dues	-	-	-	-	-	-
Mortgage/Rent	-	-	-	-	-	-
Telephone	-	-	-	-	-	-
Utilities	-	-	-	-	-	-
Building/Office Maintenance	-	-	-	-	-	-
Bank Charges, Interest and Fees	-	-	-	-	-	-
Insurance	-	-	-	-	-	-
Training	-	-	-	-	-	-
Transportation	-	-	-	-	-	-
Total Designated Intake Agency	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Family Enhancement						
Provincial Family Enhancement						
Projected Caseload	-	-	-	-	-	-
Salaries	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Employee Benefits	-	-	-	-	-	-
Membership and Dues	-	-	-	-	-	-
Mortgage/Rent	-	-	-	-	-	-
Telephone	-	-	-	-	-	-
Utilities	-	-	-	-	-	-
Building/Office Maintenance	-	-	-	-	-	-
Bank Charges, Interest and Fees	-	-	-	-	-	-
Insurance	-	-	-	-	-	-
Training	-	-	-	-	-	-
Transportation	-	-	-	-	-	-
Purchased Services (Family Support)*	-	-	-	-	-	-
In-home Support	-	-	-	-	-	-
Treatment Programs	-	-	-	-	-	-
Parenting Programs	-	-	-	-	-	-
Therapy/Counseling	-	-	-	-	-	-
Child Focused Services	-	-	-	-	-	-
Other Supports	-	-	-	-	-	-
Contracted Resources **	-	-	-	-	-	-
Subtotal - Family Enhancement/Prevention	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Federal Family Enhancement						
Salaries	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Employee Benefits	-	-	-	-	-	-
On Reserve After Hours	-	-	-	-	-	-

Agency:						
	Projected 2010/11 Actuals	2011/12 Budget Forecast	2012/13 Budget Forecast	2013/14 Budget Forecast	2014/15 Budget Forecast	2015/16 Budget Forecast
Membership and Dues	-	-	-	-	-	-
Mortgage/Rent	-	-	-	-	-	-
Telephone	-	-	-	-	-	-
Utilities	-	-	-	-	-	-
Building/Office Maintenance	-	-	-	-	-	-
Bank Charges, Interest and Fees	-	-	-	-	-	-
Insurance	-	-	-	-	-	-
Training	-	-	-	-	-	-
Transportation	-	-	-	-	-	-
Purchased Services (Family Support)*						
In-home Support	-	-	-	-	-	-
Treatment Programs	-	-	-	-	-	-
Parenting Programs	-	-	-	-	-	-
Therapy/Counseling	-	-	-	-	-	-
Child Focused Services	-	-	-	-	-	-
Other Supports	-	-	-	-	-	-
Contracted Resources **	-	-	-	-	-	-
Subtotal - Family Enhancement	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Family Enhancement	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total - Agency Operations	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Agency Operations Surplus/(Deficit)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Provincial Child Maintenance						
Age of Majority	-	-	-	-	-	-
Agency Allowance	-	-	-	-	-	-
Residential Placements	-	-	-	-	-	-
Foster Parent Service Fees	-	-	-	-	-	-
Support Costs	-	-	-	-	-	-
Respite	-	-	-	-	-	-
Family Visits	-	-	-	-	-	-
Therapy	-	-	-	-	-	-
Daycare	-	-	-	-	-	-
CSA Remittance to Province	-	-	-	-	-	-
Other Supports	-	-	-	-	-	-
Subtotal - Provincial Child Maintenance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Federal Child Maintenance						
Age of Majority	-	-	-	-	-	-
Agency Allowance	-	-	-	-	-	-

Agency:						
	Projected 2010/11 Actuals	2011/12 Budget Forecast	2012/13 Budget Forecast	2013/14 Budget Forecast	2014/15 Budget Forecast	2015/16 Budget Forecast
Residential Placements	-	-	-	-	-	-
Foster Parent Service Fees	-	-	-	-	-	-
Support Costs	-	-	-	-	-	-
Respite	-	-	-	-	-	-
Family Visits	-	-	-	-	-	-
Therapy	-	-	-	-	-	-
Daycare	-	-	-	-	-	-
Other Supports	-	-	-	-	-	-
Subtotal - Provincial Child Maintenance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Child Maintenance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Agency Expenditures	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Agency Operations Surplus/(Deficit)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

* Purchased Services (Family Support) represents expenditures related to funding of \$1,300 per case under the CFS Funding Model for Family Support.

** Contracted Resources represents expenditures for contracted services with community partner and/or contracted services in support of front-line service delivery.

APPENDIX 7

HIGHLIGHTS OF SHARED FUNDING MODEL

While the federal and provincial CFS funding models are quite similar in determining funding for CFS agencies, such as shared funding of core management and staffing based on caseload, there are several differences in their methodologies. However, use of the models will result in funding to the First Nations CFS agencies being shared on an approximate 40%/60% federal/ provincial basis. The differences between the federal and provincial funding models are noted in the table below:

PROPOSED FUNDING MODEL HIGHLIGHTS			
	Provincial Formula		Federal Formula
	14 First Nations Agencies receiving Federal Funding	All other agencies - Private Agencies, Wpg. CFS and FSL Rural and Northern Services	14 First Nations Agencies receiving Federal Funding
SALARIES, BENEFITS & OPERATING COSTS			
Agency Core Executive Staff	60% of the costs of an agreed-upon list of positions, determined by agency size (small, medium or large). This proportion was chosen since approximately 60% of children in the care of First Nations CFS Agencies are resident off-reserve.	100% of the costs of the same positions as would be funded for FN agencies in receipt of AANDC funds. Rural and Northern Services are treated as one agency. Two very small agencies (Jewish Child and Family Services and Churchill RHA) do not receive funding for Agency Executive Core.	40% of the costs of an agreed-upon list of positions, determined by agency size (small, medium or large). This proportion was chosen since approximately 40% of children in the care of First Nations CFS Agencies are ordinarily resident on-reserve.
Child Protection including Protective Services to Families and Children in Care	Funding based on actual number of children in care off-reserve at March 31, 2009 (3406).	Funding based on actual number of children in care off-reserve at March 31, 2009 (2653).	Funding based on the assumption that 7% of Indian children on-reserve will be in care. This formula generates funding for 2,520 child protection cases. At March 31, 2009, there were 2,403 children in care ordinarily resident on-reserve.

PROPOSED FUNDING MODEL HIGHLIGHTS			
	Provincial Formula		Federal Formula
	14 First Nations Agencies receiving Federal Funding	All other agencies - Private Agencies, Wpg. CFS and FSL Rural and Northern Services	14 First Nations Agencies receiving Federal Funding
	1.00 FTE Case Manager each 25 children in care	1.00 FTE Case Manager worker per each 25 children in care	1.00 FTE Case Manager for each assumed 20 children in care plus 1.00 FTE Placement Worker for each assumed 30 children in care. This works out to a 1:25 ratio for protection workers
Child Protection including Protective Services to Families and Children in Care	1.00 FTE Case Manager for each 25 protective family service cases	1.00 FTE Case Manager for each 25 protective family service cases	No FTEs for protective family cases. Protective family cases are funded through protection (above) and prevention.
	Therefore, 300 children in care and 300 family service cases would generate 24 Case Managers.	Therefore, 300 children in care and 300 family service cases would generate 24 Case Managers.	Therefore, an assumption of 300 children in care would generate 25 Case Managers.
	Nil.	Foster Care Recruitment and Training - 1.00/1.50/2.00 per agency depending on agency size.	Foster Care Recruitment and Training - 1.00/1.50/2.00 per agency depending on agency size.
	Nil.	Adoption Workers - 1.00/1.50/2.00 per agency depending on agency size	Nil. – Not within AANDC Program terms and conditions.
	1.00 FTE Supervisor for each 6 staff including social workers and administrative support		
	1.00 FTE Admin Support for each 5 social workers		
	1.0 Middle Manager for each 7 Supervisors		

	Provincial Formula		Federal Formula
	14 First Nations Agencies receiving Federal Funding	All other agencies - Private Agencies, Wpg. CFS and FSL Rural and Northern Services	14 First Nations Agencies receiving Federal Funding
Prevention	The number of families to be served in Year 1 was determined by using the previously announced Differential Response/Family Enhancement funds (\$15 million @ 40% = \$6 million) as a base. The number of Family Enhancement workers was calculated based on 1.00 FTE for each 20 families. This funding would provide resources for approximately 1,000 new prevention family cases in 2010/11.		Families are calculated using the Indians on-reserve child population divided by three (assuming on average 3 children per family). Twenty percent of families are assumed to be in need of preventive family services. Based on these assumptions, AANDC will provide 1 family enhancement worker for each 20 families. This funding would provide resources for approximately 950 new prevention family cases in 2010/11.
	Resources are provided through other provincially funded services, including those delivered both by government and by external agencies.		1.00/1.50/2.00 FTEs Resource Development Workers based on agency size. These positions would be responsible for coordinating and making the necessary linkages with other community services collaterals.
	1.00 FTE Supervisor for each 6 staff including social workers and administrative support		
	1.00 FTE Admin Support for each 5 social workers		
	1.00 Middle Manager for each 7 Supervisors		
Intake	Funding is provided via Designated Intake Agencies for both general intake and after-hours emergency services.		5% of federally-funded direct service salaries for after-hours emergency services on Reserve.
Salaries and Benefits	Salary costs are based on the current MGEU Master Agreement. Benefits are calculated at 15% of provincially-funded salaries.		Salary costs are based on the 2009/10 classifications and level within the MGEU Master Agreement, plus 2%. This amount is fixed until March 31, 2015. Benefits are calculated at 20.45% of federally-funded salaries.
Operating	15% of salaries.		15% of salaries plus benefits.

	Provincial Formula		Federal Formula
	14 First Nations Agencies receiving Federal Funding	All other agencies - Private Agencies, Wpg. CFS and FSL Rural and Northern Services	14 First Nations Agencies receiving Federal Funding
Costs			
PURCHASED SERVICES (IN-HOME SUPPORTS)	\$1,300 for each provincially funded family case, including both prevention and protection cases		\$130 for each Indian child on-reserve which includes \$30 per child for legal costs relating to children in care.
AUDIT, BOARD, INSURANCE & LEGAL	1. Board of Directors - 60% of \$50,000 for Board expenses plus \$4,800 for Board training and mentorship per agency. 2. Audit - 60% of \$20,000 per agency. 3. Corporate insurance - 60% of an amount based on agency size (\$40,000, \$60,000 or \$120,000). 4. Corporate legal - 60% of \$40,000 per agency.	1. Board of Directors - 100% of \$50,000 for Board expenses plus \$4,800 for Board training and mentorship per agency. 2. Audit - 100% of \$20,000 per agency. 3. Corporate insurance - 100% of an amount based on agency size (\$40,000, \$60,000 or \$120,000). 4. Corporate legal - 10% of \$40,000 per agency.	1. Board of Directors - 40% of \$50,000 for Board expenses 2. Audit - 40% of \$20,000 per agency. 3. Corporate insurance - 40% of an amount based on agency size (\$40,000, \$60,000 or \$120,000). 4. Corporate legal - 40% of \$40,000 per agency.
INFORMATION TECHNOLOGY	Not included in this funding model as funds are provided via another appropriation.		\$1,320 per FTE per year.

	Provincial Formula		Federal Formula
	14 First Nations Agencies receiving Federal Funding	All other agencies - Private Agencies, Wpg. CFS and FSL Rural and Northern Services	14 First Nations Agencies receiving Federal Funding
TRANSPORT			
Core Executive	Core Executive Staff - \$30,000/agency, which represents 60% of \$50,000	Core Executive Staff - \$50,000/agency	Core Executive Staff - \$20,000/agency, which represents 40 % of \$50,000
Other Positions	For all other positions, travel costs are included in operating funds provided @ 15% of salaries.		For all other positions \$10,000 for each FTE, excluding administrative support staff.
TRAINING			
Core Executive	Core Executive Staff - \$600/FTE (total per FTE = \$1,400)	Core Executive Staff - \$1,000/FTE	Core Executive - \$800/FTE (total per FTE = \$1,400)
Direct Service Workers	Training is provided through the Joint Training Initiative (\$1 million). CFSIS training is provided at no cost.		\$2,000 for each federally funded FTE, excluding Agency Core
REMOTENESS	5% of provincially-funded salaries, benefits and operating costs for agencies north of the 53rd parallel and for southerly fly-in communities.		5% of total operations and prevention funding for agencies north of the 53rd parallel and for southern remote and isolated communities.
AUTHORITIES	The proposed funding model includes the following changes to current funding of CFS Authorities: 1.00 FTE Community Relations Specialist per Authority; \$5,000 per FTE for positions that require frequent travel to agencies. This proposal would also build Changes for Children positions into Authorities' core funding.		Nil – Not within AANDC Program terms and conditions.

	2012-13	2011-12	2010-11	Population 2009-10	2008-09	2007-08
Atlantic	8 248	8 132	8 160	8 063	7 231	7 178
Newfoundland/ Labrador	1 079	1 053	1 033	996	244	239
P.E.I.	214	214	215	217	219	214
Nova Scotia	3 119	3 067	3 091	3 058	3 008	3 017
New Brunswick	3 836	3 798	3 821	3 792	3 760	3 708
	8 248	8 132	8 160	8 063	7 231	7 178

ANNEX D

First Nations Child & Family Services (FNCFS) Historical Data

	Total Maintenance	Operations \$'s 000's	Prevention	Total Expenditures	Number of children in care	Days of care provided	First Nations Children on- reserve aged 0-18	Children in care as a percentage of on- reserve 0-18 population
05/07	\$ 266,064.1	\$ 183,431.2	\$ -	\$ 449,495.3	7,859	2,927,495	161,056	4.9%
07/08	\$ 281,831.4	\$ 197,359.6	\$ 10,699.5	\$ 489,890.5	8,596	3,060,617	161,336	5.3%
08/09	\$ 292,353.1	\$ 204,808.9	\$ 25,905.2	\$ 523,067.2	8,806	3,016,922	162,571	5.4%
09/10	\$ 305,305.2	\$ 219,271.6	\$ 25,061.5	\$ 549,638.3	8,686	3,034,748	163,637	5.3%
10/11	\$ 324,541.0	\$ 217,430.1	\$ 37,079.4	\$ 579,050.5	9,241	3,215,179	163,712	5.6%
11/12	\$ 346,565.2	\$ 219,349.1	\$ 52,725.8	\$ 618,640.1	9,423	3,260,329	163,729	5.8%
12/13	\$ 341,166.2	\$ 225,933.2	\$ 60,271.9	\$ 627,371.3	9,791	3,207,770	163,314	6.0%

Overview

There are three major funding streams within the FNCFS program:

1. Maintenance - (which refers to the cost of maintaining a child in care out of the parental home);
2. Operations – which can be broken down into two main components – (i) core agency operating costs; and (ii) protection services; and
3. Prevention services.

Prior to 2007/08 – maintenance expenditures averaged 60% of total program expenditures.

With the introduction of EPFA, this has shifted downwards, and has leveled off at 56% over the past four years, as there have been major investments in operations and prevention funding (reaching \$86 million in 2012/13).

Cost Drivers

1. Maintenance

The total cost of maintenance is calculated taking into account:

- Provincial rates (daily or monthly paid to a foster parent, group home, institution, or kinship care); and
- Number of days of care provided to children out of the parental home.

Maintenance expenditures are composed of two major cost components:

- a) **Province rates** paid for one of the placement types - foster care, group home, institution and kinship care; and
- b) **Special needs** of the child in care that are not covered by the basic rate above.

Provinces are responsible for setting rates for foster care, group homes, institutional care and kinship care. Over the past six years, the average rate for foster care has increased by over 38% (approximately 5.5% compounded annually) while group homes and institutional care has increased by over 37% (approximately 5.4% compounded annually) over the same period. Kinship care was introduced as an out of home option in 2006/07, and average cost of this placement type is about 44% of foster care, and about 10% of group home / institutional care placements.

Over the six year period, the number of children in care has increased by 1,932 (24.6%). With the introduction of EPFA it was anticipated that there would be an increase because of heightened awareness of services available, but this accounts for a portion of the increase (costs associated with special needs, professional services and requirements for high cost placements are among other cost factors).

The implementation of EPFA over the past several years into six provinces on-reserve enables service providers to work more closely with children and their families within the home environment. Service providers have also been able to work within communities to increase the availability of specialized foster care homes to enable high needs children to remain within their communities. This, along with the introduction of kinship care (placing a child with extended family members) has resulted in a decline in the reliance on high cost placements such as group homes and institutional care. While the number of high cost days of care has decreased by 105,200 over the past six years, this has only resulted in a savings of slightly more than \$2.5 million, as increases in rates have eroded most of the savings.

Up until 2013-2014 reporting has not enabled the department to split off special needs from the basic fees paid on behalf of children in care. The department has developed and put into production a new CFS – Information Management System that will enable it to collect data at a more detailed level, and report on a more frequent basis. Baseline data for 2013-2014 is currently being analyzed, and in future years impacts of changes in these cost elements will be able to be factored into the analysis.

2. Operations and Prevention Drivers

- Number of FNCFS agencies;
- First Nation child population living on reserve;
- Provincial salaries;
- Provincial staffing standards; and
- Provincial service delivery standards.

When the first six EPFA formulae were developed and funding received, there was no escalator included. The EPFA formulae are service delivery based (staff deliver services) and salaries account for 60% of the total cost. Salaries are also the basis on which employee benefits (20.24%) and overhead (15%) costs are calculated. Being static since the inception has lead many FNCFS agencies to report significant funding pressures. A review of salary increases for social workers within the provincial systems

over the past several years shows that salaries are increasing at an annual rate of between 2% and 3%, and in some jurisdictions a shortening of the work week to 35 hours from 37.5 hours.

Caseload ratios under the EPFA formulae were set at or below provincial standards at the time they were implemented. Over the years, many provinces have changed their staffing / caseload ratios, as well as service delivery standards. Where provinces have made changes by reducing their staffing / caseload ratios, this has created funding pressures within FNCFS agencies.

Increases in registered First Nation child population (0-18) on reserve has a small impact on operations funding. Incremental funding for agencies under EPFA for the variable portion of the formulae averages approximately \$1,300 per child, while those agencies still operating under Directive 20-1 the increase is \$740 per child. In looking at the increased expenditures for operations and prevention over the last six years, \$85 million of the increase is directly related to new investments in FNCFS agencies where EPFA has been implemented.

Summary

Program expenditures are now forecast to be in excess of \$644 million for 2014-2015. As a result, the program has relied on internal reallocations to meet funding demands. Going forward, the program requires investments to (a) implement EPFA in the remaining four Provinces (Newfoundland/Labrador; New Brunswick; Ontario; and British Columbia) and Yukon Territory; (b) increase investments in FNCFS Agencies where EPFA has been introduced in order to align their funding with changes that have occurred since the original funding was provided; and (c) an annual escalator of 3% on the entire funding envelope in order to provide sustainable funding to FNCFS agencies to meet the demands they face in an ever changing environment.

Calculation of the Escalator

Growth in Maintenance Costs		Growth in operations and prevention cost (excluding salaries) using inflation rate		Growth in salaries in EPFA regions at 3% annually		Increase in number of children in care	=	3%
less	+		+		+			
shift to lower cost placements (by care days)								

The above has been applied to expenditures and other data over the six year period 2006-2007 to 2012-2013.

**Ministry of Children
and Youth Services**

Deputy Minister
14th Floor
56 Wellesley St. W
Toronto ON M5S 2S3
Tel: (416) 212-7432
Fax: (416) 325-5332

Ministry of Aboriginal Affairs

Deputy Minister
Suite 400
160 Bloor St. E
Toronto ON M7A 2E6
Tel: 416-326-4740
Fax: 416-326-4779



Ontario

June 2, 2016

Hélène Laurendeau
Deputy Minister
Indigenous and Northern Affairs Canada
10 Wellington Street
Gatineau, QC
K1A 0H4



Dear Deputy Minister Laurendeau:

In follow-up to our telephone conversation on June 1, 2016, I am writing with my colleague Deputy from the Ministry of Children and Youth Services regarding the letter dated May 9, 2016 on Indigenous and Northern Affairs Canada's (INAC) proposal for new investments in 2016-17 for First Nations prevention services in Ontario.

Ontario considers the issue of funding for First Nations children and youth to be of utmost importance. We would like to arrange an in-person meeting with you and your senior INAC officials to discuss how best to move forward given the importance of this issue to Indigenous children in Ontario and the timelines set out by the Canadian Human Rights Tribunal.

Ontario acknowledges INAC's commitment to reform its First Nations child and family services program and expand its narrow definition of Jordan's Principle following the January 2016 decision of the Canadian Human Rights Tribunal. We also acknowledge INAC's commitment to invest \$5,830,000 in Ontario for First Nations prevention services in 2016-17. We want to work with you to advance our shared objective of improving the lives of Indigenous children.

Since 2013, Ontario and First Nations have worked collaboratively to co-develop the Ontario Indigenous Children and Youth Strategy – a framework that will advance the work of First Nations to take the lead in the care of their children and youth. We collectively believe that the vision, principles and pillars of this Strategy reflect a strong and collaborative basis for discussions with the federal government on child and youth services funding, and that the new prevention funding from Canada, now and in subsequent years, can support its implementation.

Ontario has and continues to partner with First Nations and make significant investments in services for Indigenous children, youth and families across the province. These investments are outside of the modest prevention services

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currently cost-shared with INAC under the IWA. Ontario has announced several new prevention-focused initiatives and investments in Ontario where new federal funds could be directed alongside new provincial investments, including:

- \$80M over three years (including \$20M in 2016-17) to launch an Indigenous Family Well-Being program focused on family preservation and addressing the root causes of inter-generational trauma for First Nations, Métis, Inuit and urban Indigenous children, youth, and families;
- A historic investment of \$222M over three years for the Ontario First Nations Health Action Plan, including \$60M over three years for life promotion and crisis support initiatives in First Nations communities to stabilize communities in crisis and prevent communities from reaching the crisis point (e.g., mental health workers in on-reserve schools, trauma teams, recreational and land-based programming);
- As announced through the recent Commitment to Reconciliation with Indigenous Peoples, investments of \$150M over the next three years for programs and actions to close gaps and remove barriers for Indigenous communities and peoples, including for new mental health and addiction supports, new and expanded Indigenous mental health and addictions treatment and healing centres, life promotion and suicide prevention strategies for children and youth, and child care and family programs. These initiatives will also be supported by further prevention-focused actions, such as investments in cultural camps and a new Indigenous Cultural Revitalization Fund.

Ontario views Canada's commitment for new prevention funding as a positive but first step in ensuring that federal funding for First Nations child and family services responds to the Canadian Human Rights Tribunal's decision. It is also the opportunity to start to reform the way that Canada, Ontario and First Nations collaboratively work together to fund the full range of services that are necessary for children, youth, families and communities to achieve equitable outcomes in health and wellbeing.

Ontario has concerns with INAC's proposal to flow the new federal funds for prevention services through the 1965 Indian Welfare Agreement (IWA). The IWA does not adequately align with Ontario's legislative framework and associated policy directions regarding social and health services for Indigenous children, youth and families, including child welfare prevention, protection, and mental health.

The IWA is also a bilateral agreement that does not include First Nations, and thus does not reflect the partnership between Ontario and First Nations in program, policy, and system reforms. The funding restrictions and complex formulae behind the IWA could potentially impact expenditure and recovery of the prevention funds in this fiscal year.

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Flowing funds through the IWA will shift the burden for funding administration, allocation and cost recovery to Ontario and to First Nations, which Ontario does not expect was the intention of the Tribunal.

Further, in our view, it could not be the expectation of the Tribunal that the outcome of a ruling, directed at the federal government, is that Ontario be required to provide additional provincial funding to enable the federal government to begin to meet its obligations to Indigenous children.

Ontario agrees that new federal funding should flow expeditiously in order to benefit First Nations children, youth, and families across this province. This is an important issue for Canada, Ontario and for First Nations, for which the health and wellbeing of their children, youth and families is paramount.


We would like to work together and with First Nations to find an approach to roll out these new funds that is forward looking, unencumbered by the challenges of the IWA, and consistent with the findings of the Tribunal decision. We believe that there is an opportunity for us to find an interim arrangement that will set the stage for discussions over the next year for a new, comprehensive, and outcomes-focused tripartite funding arrangement.

While respecting and agreeing that engagement with First Nations partners regarding this new federal funding must begin as soon as possible, Ontario will need to first meet bilaterally with First Nations partners, consistent with Ontario's joint approach to the Ontario Indigenous Children and Youth Strategy and our relationship set out in the First Nations-Ontario Political Accord.

Finally, we wish to confirm that the Ministry of Children and Youth Services is the lead provincial ministry for discussions related to child and family services funding in Ontario. Darryl Sturtevant, Assistant Deputy Minister, Strategic Policy and Planning Division, will be the primary point of contact for communications and discussions moving forward. Darryl can be reached at darryl.sturtevant@ontario.ca or at 416-327-9481.

We would be pleased to work with your offices to schedule this important face-to-face meeting in the coming weeks.

Sincerely,



Alexander Bezzina
Deputy Minister
Ontario Ministry of Children and Youth
Services



Deborah Richardson
Deputy Minister
Ontario Ministry of Aboriginal Affairs

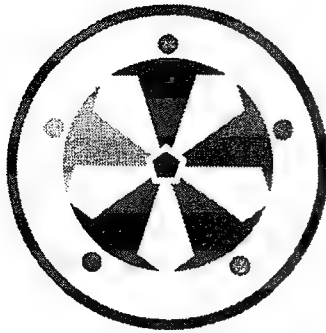
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Encl:

- May 9 2016 Letter from INAC to DM Richardson and Ontario Regional Chief Day
- Ontario Indigenous Children and Youth Strategy framework

c: Ontario Regional Chief Isadore Day
 Mauricette Howlett, Ontario Regional Director General, Indigenous and
 Northern Affairs Canada
 Janet Menard, Deputy Minister, Ministry of Community and Social Services
 George Zegerac, Deputy Minister, Ministry of Education
 Dr. Bob Bell, Deputy Minister, Ministry of Health and Long-Term Care
 Darryl Sturtevant, Assistant Deputy Minister, Ministry of Children and Youth
 Services
 Alison Pilla, Assistant Deputy Minister, Ministry of Aboriginal Affairs
 Erin Hannah, Assistant Deputy Minister, Ministry of Community and Social
 Services
 Nancy Matthews, Assistant Deputy Minister, Ministry of Education
 Patrick Dicerni, Assistant Deputy Minister, Ministry of Health and Long-Term
 Care
 Ms. Marie-Claude Landry, Chief Commissioner, Canadian Human Rights
 Commission



The Ontario Indigenous Children and Youth Strategy

VISION

First Nations, Métis, Inuit and urban Indigenous children and youth are healthy, happy, resilient, grounded in their cultures and languages and thriving as individuals and as members of their families and Nations/communities

GUIDING PRINCIPLES

- ▶ Children and youth centred
- ▶ Culture and identity as foundational
- ▶ Respect rights and jurisdictional aspirations
- ▶ Co-development and partnership
- ▶ Outcomes focus
- ▶ Responsive to youth voice
- ▶ Flexibility
- ▶ Shared accountability
- ▶ Reconciliation (acknowledge the past, act now, and look to the future)

PILLARS


**First Nations
Jurisdiction and
Control / Métis,
Inuit and Urban
Indigenous
Control**

First Nations, Métis, Inuit and urban Indigenous communities/organizations have authority to care for their children and youth


**Prevention,
Culture and
Opportunities**

First Nations, Métis, Inuit and urban Indigenous children and youth have access to preventive services focused on well-being, culture and opportunities


**Coordinated and
Responsive
Circle of Care**

The child and youth service workforce is equipped to provide high quality, integrated and culturally appropriate services


**Monitoring,
Evaluation
and Shared
Accountability**

Progress is tracked through culturally and contextually appropriate monitoring and evaluation approaches


**Transformed
Relationships
and
Collaborative,
Holistic Action**

Systemic change through collaborative action and transformed relationships with First Nations, Métis, Inuit and urban Indigenous partners



Indigenous and
Northern Affairs Canada

Affaires autochtones
et du Nord Canada

Released under the Access
to Information Act
Communiqué en vertu de la
Loi sur l'accès à
l'information

Your file - Votre référence

MAY 09 2015

Our file - Notre référence

ON6744;
931176

Isadore Day
Regional Chief
Chiefs of Ontario
804 - 111 Peter Street
TORONTO ON M5V 2H1

Deborah Richardson
Deputy Minister
Ministry of Aboriginal Affairs
160 Bloor Street East, Suite 400
TORONTO ON M7A 2E6

Dear Regional Chief Day and Deputy Minister Richardson:

On behalf of Indigenous and Northern Affairs Canada (INAC), I am pleased to share with you our proposed first steps to respond in Ontario to the recent decision of the Canadian Human Rights Tribunal on First Nations Child and Family Services. We very much look forward to working collaboratively to advance reform of Canada's support for First Nations Child and Family Services in Ontario.

Budget 2016 announced an investment of \$634.8 million over five years to support both the immediate needs of First Nations children and to begin a process of reform to strengthen the First Nations Child and Family Services program. This investment will support front-line services for First Nations children and families as the government moves to engage with partners on how to address child welfare issues in First Nation communities.

With funds available under Budget 2016, INAC Ontario Region is prepared to make new investments in First Nation prevention services in 2016-2017. In Ontario, this investment can be made immediately through the 1965 *Memorandum of Agreement Respecting Welfare Programs for Indians* ("1965 Agreement"), pending our work together to review and discuss reforms to this Agreement.

To commit funding to Ontario under the 1965 Agreement, INAC requests that the provincial Ministry of Children and Youth Services, with the support of First Nations, consider investing up to \$6,235,000 on prevention services for First Nation parents, caregivers, children and youth in 2016-2017. This may include various approaches, such as a general funding increase across all current service providers or specific funding increases to address existing service gaps in the areas of greatest need.

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In accordance with the existing 1965 Agreement cost-sharing formula, INAC is prepared to reimburse approximately 93.5 per cent of these provincial expenditures on enhanced prevention services, up to the amount of \$5,830,000 in 2016-2017. INAC will communicate amounts in respect of subsequent years as we move forward and subject to Parliamentary and Treasury Board approvals.

To consider next steps regarding these new investments in prevention services, I would like to arrange a meeting at the earliest opportunity. My Senior Executive Assistant, Ms. Chantale Pharand, will be contacting your office to discuss scheduling and participation in this meeting. She can be reached at (416) 973-6201 or Chantale.Pharand@aadnc.gc.ca.

We also look forward to future discussions on Jordan's Principle, the planning of a review of the 1965 Agreement, and to consider reforms to address band representation, and other considerations as noted by the Canadian Human Rights Tribunal. To support a coordinated process for engagement of Aboriginal Representative Organizations, First Nations and their members, as well as service providers and other organizations, INAC Regional Social Program staff will be in contact with your officials to discuss future opportunities.

I am pleased to be working together with you and all our partners copied on this correspondence, as we take these important first steps to advance the reform of Canada's support for First Nations Child and Family Services in Ontario.

Yours sincerely,



Mauricette Howlett
Regional Director General
Ontario Region

25 St. Clair Avenue E., 8th Floor
TORONTO ON, M4T 1M2

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- 3 -

c.c.: Grand Chief Alvin Fiddler, Nishnawbe Aski Nation
Mr. Travis Boissoneau, Chief Administrative Officer, Nishnawbe Aski Nation
Grand Council Chief Patrick Wedaseh Madahbee, Anishinabek Nation
Mr. Allan Dokis, Chief Operating Officer, Anishinabek Nation
Ogichidaa Warren White, Grand Council Treaty No. 3
Mr. Mervyn Gryschuk, Executive Director, Grand Council Treaty No. 3
Grand Chief Gordon Peters, Association of Iroquois and Allied Indians
Deputy Grand Chief Denise Stonefish, Association of Iroquois and Allied Indians and
Chair, Chiefs Committee on Social Services, Chiefs of Ontario
Mr. Geoff Stonefish, Office Manager, Association of Iroquois and Allied Indians
Mr. Alexander Bezzina, Deputy Minister, Ministry of Children and Youth Services
Ms. Janet Menard, Deputy Minister, Ministry of Community and Social Services
Mr. George Zegarac, Deputy Minister, Ministry of Education
Dr. Bob Bell, Deputy Minister, Ministry of Health and Long-Term Care
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Ms. Karen Hill, Director of Aboriginal Services, Ontario Association of
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National Chief Perry Bellegarde, Assembly of First Nations
Dr. Cindy Blackstock, First Nations Child and Family Caring Society of Canada
Ms. Marie-Claude Landry, Chief Commissioner, Canadian Human Rights Commission
Ms. Lori Doran, A/ Regional Executive, Health Canada
Ms. Paula Isaak, Assistant Deputy Minister, Education and Social Development
Programs and Partnerships, INAC
Ms. Leea Litzgus, Associate Regional Director General, Ontario Region, INAC

CBD - SCB - Fwd: Joint DM MCYS/MAA Letter to INAC

From: Joanne Bergeron
To: CBD - SCB
Date: 6/3/2016 3:28 PM
Subject: Fwd: Joint DM MCYS/MAA Letter to INAC
Attachments: SRDG - MCYS MAA DM ResponseLetter to INAC - Federal Budget and IWA.pdf; OICYS Placemat - MCYS MAA DMResponse Letter to INAC - Federal Budget and IWA.pdf; 03 Joint MCYS MAA DM ResponseLetter to INAC - Fed budget and IWA -02-Ju....pdf

Please enter into system for action

>>> "Richardson, Deborah (MAA)" <Deborah.Richardson2@ontario.ca> 2016-06-03 13:55 >>>
Please see attached.

From: Mazzacato, David (MAA) **On Behalf Of** Richardson, Deborah (MAA)
Sent: June-03-16 1:50 PM
To: Menard, Janet (MCSS); Zegarac, George (EDU); Bell, Robert (MOHLTC); Sturtevant, Darryl (MCYS); Hannah, Erin (MCSS); Matthews, Nancy (EDU); Dicerri, Patrick (MOHLTC); 'marie-claude.landry@chrc-ccdp.gc.ca'; 'Iday@afn.ca'; Pilla, Alison (MAA); 'Mauricette.Howlett@aandc-aadnc.gc.ca'
Cc: Bezzina, Alexander (MCYS)
Subject: Joint DM MCYS/MAA Letter to INAC



Indigenous and
Northern Affairs Canada

Affaires autochtones
et du Nord Canada

MAY 09 2015

Your file - Votre référence

Our file - Notre référence

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Isadore Day
Regional Chief
Chiefs of Ontario
804 - 111 Peter Street
TORONTO ON M5V 2H1

Deborah Richardson
Deputy Minister
Ministry of Aboriginal Affairs
160 Bloor Street East, Suite 400
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Yours sincerely,



Mauricette Howlett
Regional Director General
Ontario Region

25 St. Clair Avenue E., 8th Floor
TORONTO ON, M4T 1M2

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- 3 -

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Ms. Lori Doran, A/ Regional Executive, Health Canada
Ms. Paula Isaak, Assistant Deputy Minister, Education and Social Development
Programs and Partnerships, INAC
Ms. Leea Litzgus, Associate Regional Director General, Ontario Region, INAC



Affaires autochtones
et du Nord Canada

Sous-ministre

Ottawa, Canada
K1A 0H4

Indigenous and
Northern Affairs Canada

Deputy Minister

*Released under the Access
to Information Act*

*Communiqué en vertu de la
Loi sur l'accès à
l'information*

12 SEP. 2016

Ms. Deborah Richardson
Deputy Minister
Ministry of Indigenous Relations and
Reconciliation
400 – 160 Bloor Street East
TORONTO ON M7A 2E6

Mr. Alexander Bezzina
Deputy Minister
Ministry of Children and Youth Services
14th Floor, 56 Wellesley Street West
TORONTO ON M5S 2S3

Dear Ms. Richardson and Mr. Bezzina:

Thank you for your co-signed letter of June 2, 2016, outlining your support in working together to improve services for First Nation children and families in Ontario. I also appreciated our June 1, 2016, conversation and I look forward to our continued collaboration. I regret the delay in my response.

We recognize the leadership and commitment demonstrated by both your ministries, with respect to Ontario's release of "The Journey Together" on May 30, 2016. This proactive commitment to advancing Ontario's reconciliation with Indigenous Peoples will serve as a strong foundation for our joint work in collaboration with Indigenous leaders to support healthy and vibrant Indigenous Peoples and communities.

In particular, Ontario's announcement of \$20 million for the Indigenous Family Well-Being program in 2016–2017 is a major step forward. We expect that this initiative will make a significant contribution to preserving healthy families and addressing the root causes of intergenerational trauma for First Nation, Métis, Inuit, and urban Indigenous children, youth, and families. I believe that Indigenous and Northern Affairs Canada's immediate relief investments would complement this initiative.

In Budget 2016, the Government of Canada announced \$634.8 million over five years in new investments for the First Nations Child and Family Services Program. This will support the Department in working with provincial and First Nation partners across the country to help First Nation parents to better access the supports that they need and raise their children in safe and healthy environments. I appreciate that you acknowledged the importance of this funding flowing expeditiously to advance our shared objective of improving the outcomes of Indigenous children, youth, and families.

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Canada

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Budget 2016 identified \$5.8 million for Ontario and proposes to increase this funding each year to reach \$15.9 million in 2019–2020 and ongoing. I am confident that this funding will support these prevention programs in Ontario and will facilitate strong collaboration between our governments and with First Nations to achieve the objectives reflected in Ontario's Indigenous Children and Youth Strategy and the Indigenous Family Well-Being Program.

In addition, the Department will be talking to key partners across the country on developing a phased engagement strategy, which will support national and regional partner dialogue on options for reforming child and family services on reserve and how the Government of Canada could best support this change. I would also like to take this opportunity to reiterate that we will be engaging with Ontario and with First Nation partners to review the 1965 Agreement.

I understand that you had a discussion with Paula Isaak, Assistant Deputy Minister, Education and Social Development Program and Partnerships, on August 12, 2016, during which you discussed the shared objective of ensuring that this immediate relief funding can flow quickly. I also understand that you collectively agreed to have a tripartite discussion with Ontario chiefs to discuss the immediate relief and options to flow the funding in the short term. I encourage our respective organizations to continue these discussions and I look forward to hearing about progress on this file.

In this regard, I have asked Paula Isaak, Assistant Deputy Minister, Education and Social Development Programs and Partnerships, and Mauricette Howlett, Ontario Regional Director General, to reach out to you and the Ontario First Nation leadership to advance this work. Should you have any further questions, you may wish to contact Ms. Isaak at 819-997-0020 or by email at Paula.Isaak@aadnc-aandc.gc.ca.

Again, thank you for writing and taking the time to speak with me on June 1, 2016. I have every confidence that our mutual goals will enable us to support Ontario's continued leadership in developing and delivering needed services for First Nation children and families and improve outcomes on reserve.

Yours sincerely,



Hélène Laurendeau

**OCTOBER 31, 2016 RESPONSE OF
INDIGENOUS AND NORTHERN AFFAIRS CANADA TO THE CANADIAN HUMAN
RIGHTS TRIBUNAL ORDER OF SEPTEMBER 14, 2016**

The Government of Canada is renewing its relationship with Indigenous peoples and is working in close partnership with First Nations to support the health and well-being of Indigenous children, families and communities across the country.

The government is working hard to reform the services the Tribunal found are discriminatory. Budget 2016 funding was a first step. Canada has started working with its partners to reform the First Nations Child and Family Services Program on reserve and to implement further improvements to Jordan's Principle.

The following is Canada's response to the September 14, 2016 ruling of the Canadian Human Rights Tribunal (the Tribunal) concerning INAC's First Nations Child and Family Services Program and Jordan's Principle.

In that ruling, the Tribunal ordered INAC to serve and file information about how it developed its five year plan for investing in the First Nations Child and Family Services program and copies of correspondence with the province of Ontario. INAC complied with this order on September 30, 2016.

The Tribunal further ordered INAC to take seven additional immediate measures, and to provide a compliance report on a series of other matters by October 31, 2016. A response to these orders is outlined below.

Part A: Response to the Panels order at Para 157: *For clarity, the Panel orders INAC to update its policies, procedures and agreements to comply with the Panel's findings in the Decision.*

INAC has begun a comprehensive reform of the First Nations Child and Family Services (FNCFS) program in order to ensure the program meets the needs of First Nations children, families and communities. As part of this process, INAC is reviewing and updating its guiding policies, procedures and agreements to comply with the Tribunal's findings in the January 2016 Merits Decision.

The Tribunal's general order to reform the First Nations Child and Family Services Program and the 1965 Agreement in compliance with the Merits Decision will be achieved in the longer term, with certain interim measures being put in place until that time (September 14, 2016, paragraph 137).

As an interim approach, INAC made updates to the funding agreements and associated reporting requirements in all jurisdictions to reflect the distribution of immediate relief investments to support front-line service providers and prevention-based funding. INAC is also in the process of updating its National Manual for Social Programs. Changes are being made to the First Nations Child and Family Services section, along with a note indicating that this section will be fully revised following the reform and engagement process.

Part B: Response to the Panel's Order on Reporting

a. How INAC has complied with the immediate measures ordered above in section A of the Tribunal's September 14, 2016 ruling

1. INAC will not decrease or further restrict funding for First Nations child and family services or children's services covered by Jordan's Principle

INAC is not decreasing or further restricting funding for First Nations child and family services or children's services covered by Jordan's Principle.

In its five-year plan for investing in child and family services on reserve, the amount of funding for INAC's First Nations Child and Family Services Program increases each year until year five. As part of the engagement and reform process, INAC has started and will continue national and regional discussions develop a longer-term funding plan.

2. INAC will determine budgets for each individual FNCFS Agency based on an evaluation of its distinct needs and circumstances, including an appropriate evaluation of how remoteness may affect the FNCFS Agency's ability to provide services

INAC's current calculations, as part of the five-year plan, have been done at the regional level, as outlined in section A (2) and Annex C of the September 30, 2016 response to the Tribunal.

To comply with this order, INAC has directly asked each agency to cost out and provide information about their distinct needs and circumstances.

On October 28, 2016, INAC sent a letter to delegated First Nations Child and Family Services agencies requesting this information (**Annex A**). INAC is also working with the provinces/Yukon to gather feedback from communities served directly by the province/territory or other service providers.

This request invites agencies to provide INAC with information about what they need. This input could include: the range of service needs needed by First Nations children and families in their communities (including the percentage of families at risk or in need of prevention); the context in which agencies provide these services (e.g., what other community services available); their ability to provide prevention services and programs and culturally responsive programs; operational support for staff; options for meeting the particular needs of operating a small agency; the scope and range of legal fees agencies pay in support of First Nations children in care; capital/building repair needs; and specific effects of remoteness in an agency's ability to provide services (e.g., travel and response times).

INAC has offered to provide each agency with \$25,000 to support their work in defining their needs.

Understanding that not all agencies may respond to this request for information (due to capacity issues or because they are providing the information to INAC through other means, including tripartite discussions), INAC will continue to gather information on agency needs and circumstances, including specific issues related to remoteness, throughout the engagement process. This will include technical

discussions about funding at tripartite tables with INAC, provinces/Yukon territory and First Nations. All of this information will be used by INAC to better understand the needs and circumstances of agencies and to inform the reform of the FNCFS program, including how agency funding is calculated.

The letter to agencies also provides them with an opportunity to seek financial support from INAC to develop and implement a culturally-based vision for their programming and services. Culturally-based visions for child welfare services are rooted in community-based understandings of healthy children, families and communities, and recognize the unique cultures and context of Indigenous communities. In addition to the \$25,000 to determine individual agency needs and circumstances, up to \$75,000 is available to each agency to support the development of this work.

3. In determining funding for FNCFS Agencies, INAC is to establish the assumptions of 6% of children in care and 20% of families in need of services as minimum standards only. INAC will not reduce funding to FNCFS Agencies because the number of children in care they serve is below 6% or where the number of families in need of services is below 20%

The Tribunal has ordered INAC not to reduce funding to FNCFS agencies serving a population with less than 6% of First Nations children in care (7% in Manitoba) and not to reduce funding to agencies with less than 20% of families in need. INAC has complied and will continue to comply with that order. Note that 7% is used in Manitoba because at the time of signing the federal-provincial cost sharing agreement in 2010, a higher proportion of First Nation children were being admitted into care.

As can be seen in INAC's methodology notes (provided as Annex B of Canada's May 24, 2016 submission to the Tribunal) and agency-by-agency formulas (provided as Annex C of Canada's September 30, 2016 submission to the Tribunal), 6% and 20% have been established as minimum standards for funding calculations. INAC is taking steps so that its funding methodology is focused on service levels and the actual needs of First Nations children and families, which vary over time.

In Ontario, funding for child and family services agencies is determined by the Government of Ontario. Under the Ontario 1965 Agreement INAC reimburses the province for approximately 93% of the cost of child and family services provided to First Nation people ordinarily resident on reserve (see Annex B of the May 24, 2016 submission to the Tribunal for Ontario description). Minimum standards of 6% and 20% do not factor into the funding model of the province.

4. In determining funding for FNCFS Agencies that have more than 6% of children in care and/or that serve more than 20% of families, INAC is ordered to determine funding for those agencies based on an assessment of the actual levels of children in care and families in need of services

INAC is seeking input from First Nations Child and Family Services agencies as to their actual needs in order to determine funding, as set out in question two above. This includes asking each agency to provide information on their actual needs and distinct circumstances, including the percentage of families in need of services. INAC

understands that it may be difficult for agencies to provide information on the percentage of families in need of services, given that definitions and understandings of families at risk and in need of prevention services vary broadly. INAC is open to hearing that using any percentage as a basis on which to fund families at risk may not be the appropriate approach.

With regard to the percentage of First Nations children in care, INAC's funding calculations in its five-year plan were based on the actual numbers of First Nations children in care where the percentage exceeded the 6% threshold. The 2014/15 "Children-in-Care" counts from the FNCFS Information Management System were used to determine the actual percentages. At the time of the calculations, 26 FNCFS agencies were identified as having more than 6% of First Nations children in care. Should these percentages change in the coming year and before reform is complete, funding calculations will be adjusted to reflect the most recent data. They will not be adjusted below 6%.

With regard to the percentage of families in need of services, INAC has used 20% to estimate the percentage of families at-risk or in need of prevention services. Given data is not available on the actual percentage of families in need and there is no established way to define the percentage of families in need or at-risk, no changes have been made to INAC's funding calculations for the percentage of families at-risk in its five-year plan.

However, as an interim measure, as of January, 2017, INAC will prioritize additional prevention funding to support families for those service providers with more than 6% of First Nations children in care, as it is likely that they are under pressure to support additional families in need. When data indicates that a service provider has more than 6% of First Nations children in care, INAC will adjust the 20% assumption of families in need of prevention services and the associated funding upwards on a proportional basis.

In addition, as part of the engagement and reform process, INAC will review the information provided by FNCFS agencies in response to its October 28 letter, and continue national and regional discussions, to gather information in order to be able to fund prevention according to community needs.

5. In determining funding for FNCFS Agencies, INAC is to cease the practice of formulaically reducing funding for agencies that serve fewer than 251 eligible children. Rather, funding must be determined on an assessment of the actual service level needs of each FNCFS Agency, regardless of population level.

While reform is underway, and understanding current pressures on small agencies, as an interim measure, as of January 2017, INAC will set a child population of 300 as the lowest threshold for scaling. Three hundred (300) was selected as the new threshold, as it is the next level up from the 251 ordered by the Tribunal in INAC's current scale, which is outlined below:

Child Pop. (0-18) Core Adjustment

100	12.50%
200	25.00%

300	37.50%
400	50.00%
500	62.50%
600	75.00%
700	87.50%
800	100%

Under the new approach, all agencies serving a 0-18 child population of fewer than 300 would have their core funding stream scaled at 37.5%, whereas previously agencies serving 200 children or less were scaled at 25% and agencies serving 100 children or less were scaled at 12.5%. This is a temporary measure until the actual service needs are determined with each FNCFS agency as part of the engagement and reform process. This change currently affects approximately 10 agencies nationally.

As part of the engagement and reform process, INAC will review the information provided by FNCFS agencies in response to its October 28 letter, and continue national and regional discussions, in order to be able to fund small agencies based on need and to consider alternatives to using population thresholds to determine agency funding.

6. INAC is to cease the practice of requiring FNCFS Agencies to recover cost overruns related to maintenance from their prevention and/or operations funding streams

INAC understands and agrees with the importance of agencies having dedicated funding to support prevention work with families and communities. INAC has complied with the Tribunal's order to cease the practice of requiring FNCFS agencies to recover costs related to maintenance from their prevention and/or operations funding streams.

To ensure all service providers know about this commitment and are no longer recovering costs, INAC formally re-communicated this decision through an email to regional offices on October 24, 2016 and asked that it be shared with all FNCFS agencies (**Annex B**).

Should INAC be made aware that there are cost overruns or pressures related to maintenance funding for an agency, INAC will provide additional funds to cover these costs.

INAC will continue work with its partners to monitor trends, including cost overruns and pressures, as part of its ongoing work to ensure the appropriate level of funding is provided to FNCFS agencies.

7. INAC is to immediately apply Jordan's Principle to all First Nations children (not only to those resident on reserve)

Canada has applied Jordan's Principle as ordered, and identified almost 900 children to receive services and supports to date.

Jordan's Principle applies to all First Nations children. It is intended to resolve jurisdictional disputes involving the care of First Nations children, and includes disputes between departments within the federal government as well as those

between the federal government and provinces/territories. Implementing Jordan's Principle is not just about resolving disputes between provinces/territories and the federal government, but also about working collaboratively with provinces and the Yukon to help ensure First Nations children get the care and support they need. Should a dispute occur between levels of government, the federal government will work with the province/territory to help ensure all First Nations children have access to needed services consistent with what is available to other children in that province/territory.

Provinces and territories have the responsibility to deliver health and social services to all residents living within their respective jurisdictions. Historically, there have been gaps in programming for First Nations children on reserve, particularly for First Nations children living with a disability or critical short-term health or social service need. Recognizing that First Nations families on reserve may face greater difficulties in accessing Federal/Provincial/Territorial (FPT) services and supports, Canada's implementation of Jordan's Principle includes proactive measures that include a focus on the most vulnerable First Nations children.

Specifically, these proactive measures would target First Nations children with a disability or a critical short-term health or social service need living on reserve, or who ordinarily reside on reserve, to help ensure these First Nations children get the care and support they need, comparable to what other Canadian children in the same jurisdiction would receive. To that end, Canada has committed up to \$382.5 million over three years to better meet the needs of these First Nations children. This funding includes a Service Access Resolution fund, to ensure resources are available to support these children, as well as the funding to implement an Enhanced Service Coordination function.

Enhanced Service Coordination is a proactive model of care that will help facilitate access for all First Nations children to FPT services on and off reserve by helping First Nations children and their families navigate systems, which are often complicated, and by coordinating service delivery. The federal government will work through various agencies to deliver Enhanced Service Coordination. Regional offices are working with partners to identify external service delivery organizations in all jurisdictions by the end of December 2016, and to have the Enhanced Service Coordination function in place by April 1, 2017. These agencies will, among other things, assess client needs; facilitate early interventions; develop integrated care plans; connect First Nations children, and their families, to necessary services; and help remove the stress of navigating service systems. In the meantime, regional Focal Points are performing this coordination function. Additionally, Canada is working with First Nations and provincial and territorial partners to collaboratively develop policy and program options for further improvements to our collective approach to Jordan's Principle. To initiate this work, Canada has begun tripartite meetings in regions to discuss ways to continue to improve the implementation of Jordan's Principle.

Canada is also working to find solutions to address any identified, unmet needs for First Nations children living off reserve. Health Canada has sent a directive to existing Regional Focal Points, in both INAC and Health Canada, to reinforce their role in facilitating access for off-reserve First Nations children and their families to needed federal, provincial and territorial health and social services.

INAC has also updated its website, which provides information about what families can do if they believe they have encountered a potential Jordan's Principle case, including contact information for Health Canada and INAC regional offices as well as for the INAC public enquiries 1-800 number, which families can call to report a potential Jordan's Principle case.

b. How it is immediately addressing funding for legal fees

INAC understands agencies need funding for legal fees in order to support the rights and needs of First Nations children in care. As part of the five-year plan, INAC's FNCFS program provides an initial allocation of funds for legal fees and costs as an eligible expense as part of operations funding. Total amounts range by province/Yukon and according to provincial standards, agency size and level of delegation in the case of British Columbia (see Annex C of Canada's September 30 Submission to the Tribunal for agency-by-agency breakdowns).

As an interim measure, if an agency experiences funding pressures related to specific legal fees for a child in a given fiscal year, INAC reviews requests to provide additional funds to cover these requirements on a case-by-case basis. To ensure all partners understand and are implementing this commitment, INAC formally re-communicated this decision through an email to regional offices on October 24, 2016 and asked that it be shared with all FNCFS agencies (**Annex B**).

As part of the engagement and reform process, INAC will review the information provided by FNCFS agencies in response to its October 28 letter, and continue national and regional discussions to better understand agency needs for legal fees.

This will include gathering information about the types and range of legal costs that agencies incur, as well as how the provinces/Yukon support agency legal fees to ensure federal funding meets current needs and gaps.

c. How it is immediately addressing the costs of building repairs where a FNCFS Agency has received a notice to the effect that repairs must be done to comply with applicable fire, safety and building codes and regulations, or where there is other evidence of non-compliance with applicable fire, safety and building codes and regulations

Current FNCFS program authorities are able to cover expenses related to rent, mortgage payments and minor capital expenditures. Minor capital expenditures include maintenance and repairs/upgrades/ renovations to facilities, including those that may be needed to comply with applicable building codes and regulations. Should an agency require funds for minor expenditures outside of its existing budget, the Department would work with the agency, on a case-by-case basis, to collaboratively address it.

Generally, responsibility for costs related to building repairs, including compliance with building codes and regulations are the responsibility of the landlord/owner of the building. INAC does not own FNCFS agency buildings, and INAC's FNCFS funding cannot be used for the purchase of buildings.

As part of the engagement and reform process, INAC will review the information provided by FNCFS agencies in response to its October 28 letter, and continue

national and regional discussions to develop a longer-term response to infrastructure needs.

d. How it determined funding for each FNCFS Agency for the child service purchase amount and the receipt, assessment and investigation of child protection reports

Regarding determining funding for the child service purchase amount, INAC heard, from tripartite discussions with provinces/Yukon and First Nations partners as well as concerns raised by witnesses who testified before the Tribunal, that the FNCFS program's funding of \$100 for the child service purchase amount was not sufficient to meet needs. Based on discussions with regional offices about the range of child service purchase amounts used across the country, as an interim measure, INAC increased the child service purchase amount to \$175.

INAC recognizes that applying a nationally consistent amount may not meet the needs of individual agencies. Therefore, as part of the engagement and reform process, INAC will review the information provided by FNCFS agencies in response to its October 28 letter, and continue national and regional discussions, to define a child service purchase amount based on need.

Regarding intake and investigation ("receipt, assessment and investigation"), INAC proactively amended its calculations to respond to possible agency needs in this area, understanding that intake and investigation are not required services under provincial standards in all regions.

In Alberta, funding calculations reflect a change in provincial service delivery and include a specific budget allocation for intake and for assessment and investigation. For both, a ratio of 1 worker to 800 children (0-18 population) was applied as a result of INAC discussions with the INAC regional office and their discussions with provincial officials. The salary amounts were estimated based on salary amounts for similar positions.

In other regions, where intake and investigation is not generally a requirement under provincial standards, a single budget item was added to support intake and investigation. This was done to allow agency service providers to use operations funding to support intake and investigation services. INAC estimated the ratio of intake and investigation workers to children by using the ratios applied to other positions in the region (e.g., the ratio of other support workers). Exceptions apply in the following regions:

- Prince Edward Island – the Mi'kmaq Confederacy of PEI (MCPEI) provides prevention services and purchases protection services (including intake and investigation) from the province
- Manitoba – INAC provided increased funds for direct service workers to support intake and investigation
- British Columbia – C3 and C4 delegated Aboriginal agencies do not provide protection services, therefore, a line item for intake and investigation was not added. A line item for intake and investigation was applied to C6 Aboriginal Agencies, which provide both prevention and protection services.

As part of the engagement and reform process, INAC will review the information provided by FNCFS agencies in response to its October 28 letter, and continue national and regional discussions to determine funding for intake and investigation services based on need.

e. How much it is allocating for each “growth and future cost driver” and to detail how it arrived at its corresponding allocations for each FNCFS Agency, including for Ontario

INAC's budget does not allocate costs according to the individual factors that form part of growth and future cost drivers (e.g., rates for keeping children out of the parental home, growth in salaries). For the 2016-2017 fiscal year, growth and cost driver funds (see Table 2 of Canada's May 24, 2016 submission to the Tribunal) will be managed centrally for addressing cost pressures and agency needs as they arise, including for Ontario. As part of reform, INAC will work with partners to determine individual agency-by-agency needs and how to best address future cost pressures and rising costs.

Further information about how INAC arrived at its regionally-based calculations for “growth and future cost drivers” can be found in Section A (3) of Canada's September 30, 2016 submission to the Tribunal.

f. How new funding is immediately addressing the adverse effects identified with respect to the 1965 Agreement, especially in terms of mental health services and Band Representatives

INAC is working with the province of Ontario and First Nations leadership and other partners to review INAC support for child and family services through the 1965 Agreement. Related issues with respect to First Nations children's mental health and funding for Band Representatives are being examined as part of this review process and also as part of the longer-term engagement and reform process involving national and regional discussions. A working group has been initiated in Ontario to begin engagement toward mid- and long-term reform.

INAC's immediate relief investments, including those allocated to Ontario, were a first step in Canada's reform of the FNCFS program.

INAC, the province of Ontario and the Chiefs of Ontario, as a representative of First Nations, have negotiated the distribution of this year's immediate relief for prevention funding, as outlined below in response to (h).

g. How it determined funding for remote FNCFS Agencies that allows them to meet the actual needs of the communities they serve, taking into account such things as travel to provide or access services, the higher cost of living and service delivery in remote communities and the ability of remote FNCFS Agencies to recruit and retain staff

INAC determined the specific funding calculations for remote agencies in Manitoba (2010), Saskatchewan (2008) and Quebec (2009) through tripartite table discussions when the Enhanced Prevention Focused Approach was first implemented in each of these provinces. INAC does not currently provide funding for remoteness in other regions, as the Department did not have sufficient data and information on which to base calculations for funding.

As part of the engagement and reform process, INAC will review the information provided by FNCFS agencies in response to its October 28 letter, and continue national and regional discussions to address the needs of remote agencies. This plan will consider the various needs of remote communities, including: the unique needs of northern communities; the compounded needs of small, remote agencies; challenges related to travel and access to other services; the higher cost of living and service delivery; and difficulties recruiting and retaining staff.

h. How immediate relief funding is being distributed in Ontario

In its September 30, 2016 response to the Tribunal, INAC provided copies of previously referred to correspondence with the province of Ontario, as well as an update on a September 22, 2016 meeting of INAC, the province of Ontario and the Chiefs of Ontario. All three parties discussed ways to flow the immediate relief investments as quickly as possible for prevention, and all parties have agreed that the 1965 Agreement is the most efficient mechanism to distribute funding at this time. The \$5.8 million in funding will be distributed, according to a formula agreed to by INAC, the province of Ontario and the Chiefs of Ontario, by November 2016. Following a letter from the Chiefs of Ontario, INAC and the province of Ontario sent letters confirming the agreement on process for flowing immediate relief funding attached as **Annex C and Annex D**.

With respect to the Mohawk Council of Akwesasne specifically, there is a direct funding agreement between the First Nation and INAC's Ontario Regional office. The First Nation has received their funding for 2016 immediate relief.

With respect to the immediate relief funding related to "growth and future cost drivers" for Ontario, see section B (3) above.

i. How it has complied with the order to immediately implement the full meaning and scope of Jordan's Principle, including:

i. confirmation that it is applying the principle to all First Nations children (not just to those resident on reserve)

See response in Part B, section 7.

Jordan's Principle applies to all First Nations children. Canada's response includes the introduction of Enhanced Service Coordination, a proactive model of care that will help facilitate access for all First Nations children to Federal/Provincial/Territorial services on and off reserve by helping First Nations children and their families navigate the systems, and by coordinating service delivery. External service delivery organizations will be identified, through engagement with First Nations, by December 2016 and service coordinators in place for April 2017. In the meantime, regional Focal Points are performing this coordination function. Canada is also working with First Nations and provincial and territorial partners to collaboratively develop policy and program options for a long-term approach to Jordan's Principle. To initiate this work, Canada has begun tripartite meetings in regions to discuss the implementation of Jordan's Principle.

Regional Focal Points will continue to work with provinces and territories and other partners to help ensure that solutions are found to address any identified unmet needs for First Nations children living off reserve as well. Health Canada sent a

directive to Focal Points to reinforce their role in facilitating access for off-reserve First Nations children and their families to needed federal, provincial and territorial health and social services.

INAC has also updated its website, which provides information about what families can do if they believe they have encountered a potential Jordan's Principle case, including contact information for Health Canada and INAC regional offices as well as for the INAC public enquiries 1-800 number, which families can call to report a potential Jordan's Principle case.

ii. an explanation as to why it formulated the application of the principle to children with “disabilities and those who present with a discrete, short-term issue for which there is a critical need for health and social supports”

Canada has focused its response to Jordan's Principle on First Nations children with a disability (e.g., cerebral palsy) or critical short-term health or social need (e.g., broken leg requiring wheelchair) living on reserve, or ordinarily resident on reserve, as these First Nations children are the most vulnerable to potential jurisdictional disputes or service gaps, and typically require the greatest amount of care, often from more than one service provider. These services have historically been more difficult to acquire on reserve because of factors like remoteness or the absence of appropriately trained medical professionals. Further, Canada's response focuses on health and social supports, as these supports are most likely to be subject to a jurisdictional or programming gap, particularly in relation to comparable provincial or Yukon Territory normative standards.

Through the work of both the Regional Focal Points and the Enhanced Service Coordination Function, Canada's response proactively identifies gaps in services for vulnerable First Nations children rather than waiting for a jurisdictional dispute to arise. This approach is intended to help ensure access to needed services, thereby reducing the likelihood of jurisdictional disputes arising, and helping these First Nations children get the care they require. In addition to First Nations children with a disability, Canada's approach includes First Nations children who present with a short-term condition for which there is a critical need for health and/or social services, allowing Canada the flexibility to help ensure that no First Nations children are denied, or experience a delay in, service that they would be eligible for within their provincial or territorial system. Canada will continue to exercise due diligence and flexibility on a case-by-case basis when assessing the eligibility of First Nations children vis-à-vis residency.

Since the July 5, 2016 announcement, regional Focal Points have proactively reached out to First Nations communities, with an initial emphasis on areas with known gaps such as respite care, to identify and support First Nations children with unmet needs. Canada has also provided support to First Nations children for such things as medical transportation, and facilitated and coordinated access to treatment programs, day programs, and allied health or social services.

Canada is also undertaking a strategy for further improvement in the implementation of Jordan's Principle. This will include engagement with stakeholders to examine the

components of Jordan's Principle, including the possible need to reform existing federal programs.

iii. details as to what action it has taken to comply with the “government of first contact” provision in the order

In cases that have come forward where the need could not be met through existing programs in an efficient and effective manner, or where there was a gap or jurisdictional dispute, Canada has provided funding to ensure that First Nations children receive services without delay, in accordance with the normative standard of care in their province of residence.

The purpose of Jordan's Principle is to address disputes to help ensure that First Nations children get the services they need. Provinces and territories generally provide services to all residents of the province without discrimination. However, if there is an issue between Canada and a province/territory over which level of government should provide or pay for a service for First Nations children, Jordan's Principle provides a mechanism to ensure that jurisdictional issues do not get in the way of First Nations children accessing services that are usually available to children in accordance with the normative standard of care in their province or territory of residence.

Canada has also taken a more proactive approach in its response to the Tribunal's January decision. The Service Access Resolution fund provides resources to pay for services in cases where a child living on reserve cannot access those services through existing provincial or federal programs. An essential component of Canada's response is the Enhanced Service Coordination function, which will work with regional Focal Points to help ensure that First Nations children are referred to the appropriate point of first contact.

The people in these roles will facilitate quick assessment to ensure the necessary services are identified and provided. This approach will guide First Nations children, and their families, through provincial/territorial and federal systems to ensure the first point of contact is the government agency best able to meet their needs. This approach should help to avoid jurisdictional disputes and help ensure that First Nations children get equitable services in a timely manner.

In the cases that have come forward thus far, Canada has provided funding for First Nations children resident, or ordinarily resident, on reserve to get the health or social supports they require, and has worked with provinces to ensure First Nations children off reserve are getting the services or supports they need.

iv. clarification as to what process will be followed to manage Jordan's Principle cases, how urgent cases will be addressed, and what accountability and transparency measures have been built into that process to ensure compliance with the order

Any potential Jordan's Principle case can be brought to the attention of the regional Focal Points, either through contact with regional INAC or Health Canada offices (listed on the INAC website at <https://www.aadnc-aandc.gc.ca/eng/1100100033694/1100100033695>) or the Health Canada website <http://www.hc->

sc.gc.ca/contact/fniah-spnia/fnih-spni/rd-dr-eng.php) or through the number (1-800-567-9604) listed on the Jordan's Principle website.

Once any potential case is identified, INAC and Health Canada Focal Points work closely with the province/territory to meet the identified health and social needs of any First Nations child. In cases where a gap in available services or supports is identified, Focal Points will work with the national INAC and Health Canada team to ensure that the necessary service or support is provided through existing programs that the family/service coordinator may have been unaware of, the Jordan's Principle Service Access Resolution fund, or engagement with the province/territory.

Urgent requests for services or supports that cannot be met through existing programming are reviewed by regional Focal Points and then brought to the national office of INAC or HC for immediate decision. The review process is done quickly to prevent any delays in accessing needed services or supports. For non-urgent requests, a Review Committee at Health Canada, consisting of six health and social program experts and professionals, discusses each case. The Committee meets once every week to discuss the nature of case and how best to expeditiously resolve it. The outcomes of decisions are communicated to the regional Focal Point, who then informs the requester.

Complex cases, such as those that may be considered "exceptional" (e.g., fall beyond normative provincial standards), as well as requests for funding for groups of First Nations children to access services such as respite care or allied services, which cannot be provided under current program resources, are considered by the Health Canada/INAC Director General's Operations Committee and brought forward for approval by the ADM chairs of the INAC/Health Canada ADM Oversight Committee.

Once the proactive Enhanced Service Coordination function is fully implemented, it will help First Nations children access the appropriate existing services and supports. It may also help set up or undertake individual assessments, arrange appointments and develop case management plans (in the interim this is being managed through Focal Points, and service agencies supporting First Nations children and their families).

As of October 4, 2016, almost 900 First Nations children, representing various provinces, have been identified to receive services and supports through Canada's efforts to identify the most vulnerable First Nations children in need. The bulk of these children will receive support for respite care, but funding has also been provided for supports such as specialized medical equipment and supplies; medical transportation; specialized day programs; and addiction treatment programs. Together, these amount to a total of approximately \$10.2 million.

Canada is committed to reporting annually on the implementation of Jordan's Principle, and to collecting data on the types of services and supports required by First Nations children, to help support future program reforms. Canada has implemented an appeals mechanism for children and their families, should they disagree with a funding decision.

Communications regarding Jordan's Principle are a high priority for INAC and HC. Canada has updated INAC's website to reflect the new approach to Jordan's Principle (<https://www.aadnc-aandc.gc.ca/eng/1334329827982/1334329861879>), and has issued a directive to all Regional Focal Points regarding how this approach should be implemented. Moving forward, both departments are collaborating on the development of information products to be made available in plain language for families and communities on how to access the services and supports. Enhanced Service Coordinators, once identified and in place, will also be responsible for developing information products for families and communities regarding their role and functions.

v. clarification as to how it will ensure that First Nations, CCI Parties and FNCFS Agencies are part of the consultation process with the provinces/territories, and in other elements of the implementation of Jordan's Principle

Canada is working with First Nations organizations, provinces and territories on a longer-term approach to Jordan's Principle, and is collaborating with those same stakeholders to implement and refine the current approach.

INAC and HC have taken steps to establish an engagement working group that will oversee the engagement process for the longer-term approach to Jordan's Principle. This engagement working group will be co-chaired by Health Canada and the Assembly of First Nations and will be responsible for developing a more detailed engagement strategy that ensures the appropriate parties are included in discussions on Jordan's Principle.

INAC and Health Canada regions have already begun work to engage their First Nations partner organizations, and provincial/Yukon Territory governments on establishing the Service Coordination Function and other aspects of Canada's proactive approach to Jordan's Principle to meet the needs of First Nations children. Health Canada has also developed an initial engagement strategy, to support the work being undertaken by the co-led Health Canada-Assembly of First Nations engagement working group.

vi. providing all First Nations and FNCFS Agencies with the names and contact information of the Jordan's Principle focal points in all regions and informing them of any changes of such

Canada provided a list of Focal Points to all First Nations and FNCFS agencies, on October 28, 2016, and will provide updates to the list as appropriate (**Annex E**).

j. If it is providing funding for the Aboriginal component of the Canadian Incidence Study, including whether that component of the study will include data collection specific to remote and northern First Nations communities

INAC is working with the Public Health Agency of Canada to support the First Nations component of the Canadian Incidence Study (CIS) of Reported Child Abuse and Neglect.

INAC will contribute funding to the First Nations component of the CIS over three years, starting in 2016-2017, through an Interdepartmental Letter of Agreement. The

Public Health Agency of Canada will also fund the study, and provide planning, implementation and methodological support to the CIS to increase the utility of the study.

The plan for data collection, agency recruitment, framing and interpreting findings and all other aspects of the First Nations component of the CIS will be led by a First Nations Advisory Committee. This Committee is composed of First Nations child welfare experts and people with Aboriginal child welfare practice and policy experience. Efforts to collect data on remote and northern First Nations communities will be made, however, there are some specific challenges in collecting CIS data, including that participation in the study is voluntary (i.e., not all agencies who are contacted may choose to participate) and there are costs and capacity constraints in reaching northern and remote agencies (i.e., some do not have pre-existing data collection capacity and many agencies tend to be small, meaning it will be difficult to sample sufficient numbers to get meaningful results).

Part C: Response to the Panels request for additional information:

- a. A list of the First Nations, FNCFS agencies, provincial and territorial authorities, partners, experts or any other persons it has consulted with so far in response to the findings in the Decision and Jordan's Principle, along with its consultation plan moving forward. The list of any past consultations from January to September 2016 should include the agenda and summary of the discussions***

INAC's draft engagement plan on FNCFS is attached as **Annex F**. The engagement plan includes the appointment of a Minister's Special Representative, Dr. Cynthia Wesley-Esquimaux. She will visit each region in the country and meet with a broad range of stakeholders. Discussions with partners are ongoing to further define the engagement plan.

A summary of regional discussions, with departmental officials, on the FNCFS program that have taken place since January 2016 is outlined below; a formal agenda and a summary is available for some but not all of the meetings (it is noted below where no further information is provided in the attachment). It should be noted that these meetings do not constitute formal consultations nor were they specifically focused on INAC's response to the Tribunal. Meetings have been on child and family services generally, including funding for immediate relief and program reform.

(It should also be noted that INAC made its best efforts to collect information on the meetings that have taken place with departmental officials, but there may have been additional discussions or correspondence on this matter during this time period that are not itemized below).

Relevant attachments for regional meetings, in addition to the descriptions below, are included as **Annex G**.

In Ontario:

- May 5, 2016. INAC Regional Director General of Ontario met with provincial Assistant Deputy Ministers of Ministry of Indigenous Relations and Reconciliation

- May 25, 2016. INAC Director of Education and Social Programs Directorate, Ontario Region, met with Province of Ontario's Deputy Minister of Ministry of Indigenous Relations and Reconciliation, the A/Deputy Minister Ministry of Children and Youth Services, the Deputy Minister of the Ministry of Community and Social Services, and the Deputy Minister of the Ministry of
- May 31, 2016. INAC Regional Director General of Ontario met with Chiefs of Ontario
- July 15, 2016. INAC regional and headquarter officials met with MBQ First Nation
- September 22, 2016. INAC Regional Director General of Ontario and the Director General of Child and Family Services met with Ontario (Ministry of Indigenous Relations and Reconciliation and Ministry of Children and Youth Services) and Regional Chief Day, Chiefs of Ontario

In Manitoba:

- February 12, 2016. Meeting with FNCFS Regional Advisory Committee (RAC). RAC is the regional tripartite table
- March 16-17, 2016. Regional Advisory Committee's FNCFS all agency meeting
- March 31, 2016. Northern FNCFS Authority's Agency Relations meeting. Provided CHRT update (no attachment)
- April 6, 2016. Northern FNCFS Authority's Collaborative Working Group meeting; provided CHRT update (no attachment)
- May 2, 2016. Meeting with Southern First Nations Network of Care, included update on CHRT (no attachment)
- May 17, 2016. Meeting with Awasis Agency of Manitoba, included discussion of Budget 2016 adjustments and way forward (no attachment)
- June 23, 2016. Meeting with FNCFS agency finance directors, included discussion of Budget 2016 and immediate relief details (no attachment)
- June 27, 2016. Regional Advisory Committee meeting
- July 22, 2016. Federal/Provincial update meeting, included discussion of CHRT, regional approach and Budget 2016 (no attachment)
- July 25, 2016. Regional Advisory Committee meeting, including Regional Engagement Strategy.

- August 11, 2016. Regional Advisory Committee meeting on regional engagement strategy (minutes not yet finalized, no attachment)

In Quebec:

- April 25, 2016. Meeting with First Nations of Quebec and Labrador Health and Social Services Commission ("the Commission") and INAC on CHRT, Jordan's Principle and additional funding (no attachment)
- May 3, 2016. Regional Roundtable meeting. INAC presented to FNCFS agencies, the Commission, and Quebec's *ministère de la Santé et Services Sociaux* (MSSS) on CHRT, Jordan's Principle and additional funding
- July, 2016. Health Canada meeting with regional partners including INAC, Commission, and MSSS on Jordan's Principle - Child First Initiative (no attachment)
- August 29, 2016. Meeting with the Commission and INAC regarding child and family services engagement (no attachment)
- Week of September 21, 2016. Health Canada meeting with First Nations Health Directors on Jordan's Principle - Child First Initiative (no attachment)
- September 22, 2016. Meeting with Health Canada and INAC (Quebec Region), discussions on syncing programs, Jordan's Principle - Child First Initiative (no attachment)
- September 28, 2016. Meeting with Health Canada, INAC, MSSS. Presentation to MSSS on Jordan's Principle - Child First Initiative
- September 30, 2016. Meeting with Health Canada, INAC (Quebec Region), and Tshakapesh, an institute that serves the Innus of the Basse Côte Nord with learning programs and services (no attachment)
- October 4, 2016. Meeting with MSSS and INAC to discuss child and family services engagement and Jordan's Principle - Child First Initiative (no attachment)
- October 6, 2016. Meeting with Health Canada, INAC (Quebec Region), and *Commission de l'éducation des Premières Nations* (CEPN) (no attachment)

In British Columbia:

- May 12, 2016. Meeting with the Transition Funding Working Group, which is made up of the executive of the Directors Forum and INAC. Discussion focused on the distribution of immediate funding remedies and Jordan's Principle. Most FNCFS agencies were present.
- June 15 -16, 2016. Meeting with Ministry of Children and Family Development (MCFD), INAC BC Region and INAC Headquarters on quarterly bi-lateral accountability framework Committee meeting in Vancouver, BC (no attachment)

- July 14, 2016. Meeting with Ministry of Children and Family Development (MCFD), Northwest Inter-Nation Child and Family Services (Delegated Aboriginal Agency) and INAC for their Joint Advisory Committee meeting in Terrace, BC (no attachment)
- August 23, 2016. Meeting with Ministry of Children and Family Development (MCFD), Splatstsin Stsmamlt Services, and INAC for a Child and Family Services Operational meeting in Enderby, BC (no attachment)
- September 8, 2016. Meeting with the Transition Funding Working Group, similar discussion to above (no attachment)
- September 29, 2016. Meeting with Ministry of Children and Family Development (MCFD), Knucwewtwecw Child and Family Services, INAC Treaties and Aboriginal Government- Negotiations West (TAG-NW), and INAC BC Region for a Treaty table working group meeting in Vancouver, BC (no attachment)
- September 29, 2016. Meeting with Tripartite Working Group (INAC, First Nations Leadership Council, and Ministry of Child and Family Development (MCFD) to begin tripartite relationship on objectives relating to improvement of the Child and Family Services Program in British Columbia. (no attachment)
- October 4, 2016. Meeting with Ministry of Children and Family Development (MCFD), Southern Stl'atl'imx Health Council and INAC BC Region for an information meeting in Vancouver, BC (no attachment)
- INAC has attended, and will continue to attend the remainder of the 2016-2017 Regional Caucus Sessions being held by the First Nations Health Council in British Columbia. This year's sessions include discussions related to the social determinants of health, including First Nation child and family services and child well-being more generally. INAC will continue to work with the First Nations Health Council in support of engagement in British Columbia (no attachment)

In Newfoundland and Labrador:

- June 14, 2016. Meeting with Innu Round Table Secretariat (Director and Representative), INAC, and NL province in Goose Bay, NL. Discussions included prevention services and development of Innu proposal
- June 15, 2016. Meeting with INAC and Miawpukek First Nation in Goose Bay, NL to discuss immediate relief funding and prevention proposal
- June 16, 2016. Meeting with Province of Newfoundland and Labrador in St-John's NL to discuss child and family services (no attachment)
- October 5-6, 2016. Meeting with Innu Round Table Secretariat (Director and Representative), INAC, and NL province in St-John's, NL. For October 6,

2016, meeting also included Health Canada, Public Safety, and representatives and Chiefs from both Natuashish and Sheshatshiu communities

In New Brunswick:

- February 10, 2016. Aggregation Working Group meeting with INAC, NB Province, consultant for First Nations, and the Directors from the three-agency model (Mi'kmaq Agency, Maliseet Agency, Elsipogtog Agency) representing the 10 First Nation organizations. Meeting was held in Fredericton, NB. Discussion was on transition to the aggregated model and status update of each agency to meet community-based needs for service delivery (no attachment)
- May 25, 2016. Aggregation Working Group meeting with INAC, NB Province, consultant for First Nations, and the Directors from the three-agency model (Mi'kmaq Agency, Maliseet Agency, Elsipogtog Agency) representing the 10 First Nation organizations. Meeting was held in Fredericton, NB. Discussion was on transition to the aggregated model and status update of each agency to meet community-based needs for service delivery.
- July 20, 2016. Aggregation Working Group meeting with INAC, NB Province, consultant for First Nations, and the Directors from the three-agency model (Mi'kmaq Agency, Maliseet Agency, Elsipogtog Agency) representing the 10 First Nation organizations. Meeting was held in Fredericton, NB. Discussion was on transition to the aggregated model and status update of each agency to meet community-based needs for service delivery
- October 3, 2016. Aggregation Working Group meeting with INAC, NB Province, consultant for First Nations, and the Directors from the three-agency model (Mi'kmaq Agency, Maliseet Agency, Elsipogtog Agency) representing the 10 First Nation organizations. Meeting was held in Fredericton, NB. Discussion was on transition to the aggregated model and status update of each agency to meet community-based needs for service delivery

In Alberta:

- April 29, 2016. Letter to all Alberta First Nations Chief and Council regarding Canadian Human Rights Tribunal Decision and Budget 2016
- May 2, 2016. Meeting with Alberta FNCFS agencies. Cover letter provided to all Alberta FNCFS agencies regarding Budget 2016 and CHRT ruling; presentation provided on Budget 2016 and immediate relief
- August 23, 2016. Meeting with INAC Alberta Region Regional Director General and Alberta Grand Chiefs on child and family services and CFS engagement (no attachment)

In Nova Scotia:

- May 26, 2016. Tripartite meeting with INAC regional office and HQ, Nova Scotia province, and Mi'kmaw Family and Children Services Agency in Dartmouth, NS. Meetings focused on the provincial legislative changes and the impacts on the agency's operations and the revised budget the agency had to submit to INAC for additional funding support (which was approved). Immediate relief was also addressed. Note: Mi'kmaw Family and Children Services Agency holds the tripartite meeting minutes (no attachment)
- August 9, 2016. Tripartite meeting with INAC regional office and HQ, Nova Scotia province, and Mi'kmaw Family and Children Services Agency in Eskasoni, NS. Meetings focused on the provincial legislative changes and the impacts on the agency's operations and the revised budget the agency had to submit to INAC for additional funding support (which was approved). Immediate relief was also addressed. Note: Mi'kmaw Family and Children Services Agency holds the tripartite meeting minutes (no attachment)

In Yukon:

- April 13, 2016. Manager from INAC's Yukon Regional Office met with the of Director Family and Children's Services Branch, Government of Yukon to discuss the additional funding for new or enhanced CFS prevention programs (no attachment)
- Week of August 8, 2016. Follow up meeting with a Manager from INAC's Yukon Regional Office, the Government of Yukon's Director of Family and Children's Services Branch, Assistant Deputy Minister, Corporate Services and Manager, Cost Recovery (no attachment)
- October 14, 2016. Meetings with various representatives and regional INAC staff on opportunities for prevention pilot projects; CFS Agency-level data sharing; funding support/cost sharing for Case Management Systems, and options for regional engagement (no attachment)

In Saskatchewan:

- Discussions are forthcoming.

In Prince Edward Island:

- Discussions are forthcoming.

Other:

Discussions with the First Nations Family Caring Society and the Assembly of First Nations on the Tribunal Decision are outlined below. Much of the focus of the discussions has been on establishing the National Advisory Committee (and its Terms of Reference) as a forum to provide advice on the engagement process and the reform of the program.

- February 11, 2016. Face-to-face meeting
- April 29, 2016. Face-to-face meeting
- May 12, 2016. Teleconference call
- May 25, 2016. Teleconference call
- June 7, 2016. Face-to-face meeting
- July 28, 2016. Face-to-face meeting
- August 5, 2016. Teleconference call

The First Nations Family Caring Society has also communicated with the Minister's Office on a range of issues related to the Tribunal decision, both through correspondence and in-person meetings. These communications are not captured here.

A two-day in-person meeting with the Minister's Special Representative, appointed by the Minister of Indigenous and Northern Affairs to lead the engagement process, took place on September 14 and 15 (**Annex H**).

Jordan's Principle

(Relevant attachments for regional meetings, in addition to the descriptions below, are included as **Annex I**)

Headquarters

- May 9, 2016. Assistant Deputy Ministers for HC and INAC sent a joint letter to Provinces and Territories with respect to Canada's acceptance of the January 26, 2016 decision and the need to engage in the reform of the First Nations Child and Family Services Program and in implementing Jordan's Principle.
- June 9, 2016. Assistant Deputy Ministers for HC and INAC met with Interlocutor for First Nations and Métis Relations, Government of Saskatchewan, to discuss the engagement process and how it aligns with other federal priorities for Indigenous People. This meeting was an opportunity to discuss how INAC and Health Canada are working in partnership with other government departments and various stakeholders on Jordan's Principle and Child and Family Services.
- July 6, 2016. Assistant Deputy Ministers for HC and INAC sent a letter to Provinces and Territories to inform them of the news release that provided further details on the revised application of Jordan's Principle. The letter also emphasized the need to engage to discuss next steps.

In the Atlantic:

- July 5, 2016. Primary Care Update – Presentation to Health Directors.
- July 5-6, 2016. Meeting of APC Regional Health Directors.
- July 7, 2016. Presented to Atlantic Health Directors Meeting, and All Chiefs Forum.

- August 4, 2016. Health Canada's Atlantic Regional Executive followed up with info package.
- August 24, 2016. Met with Chief, First Nation Co-Chair, Assembly of First Nations Health Partners, to agree on next steps.
- August 29, 2016. (Nova Scotia) Presented Jordan's Principle-Child First Initiative to the Health Committee of the Canada-NS-Mi'kmaq Tripartite Forum. Included provincial representatives from Aboriginal Affairs and Health.
- September 1, 2016. Presented to Atlantic First Nations Health Partnership's (AFNHP) Public Health and Primary Care Committee (no attachment) and (September 15) NIHB Committee.
- September 9, 2016. Convened special Atlantic First Nations Health Partnership teleconference to present Jordan's Principle-Child First Initiative and Service Coordination function.
- September 15, 2016. Presentation to the Non-Insured Health Benefits Committee on Jordan's Principle.
- September 20, 2016. Held regular Atlantic First Nations Health Partnership f-2-f meeting including an agenda item on Jordan's Principle-Child First Initiative focusing on making a decision on Service Coordination implementation in region.
- September 28, 2016. Presented Jordan's Principle-Child First Initiative to Atlantic All Chiefs and Councils meeting.
- October 6, 2016. Health Canada (Newfoundland) presented JP-CFI to Innu Round Table including provincial officials from Aboriginal Affairs, Child and Family Service, and Health.
- October 12, 2016 – Health Canada (PEI) presented JP-CFI at Canada-PEI-Mi'kmaq Health Policy and Planning Forum and the Child and Family Services Policy and Planning Forum. Provincial Child and Family Services, Health, and Aboriginal Affairs officials in attendance.

In Quebec:

- April 25, 2016. Bilateral meeting on Jordan's Principle – Child First Initiative between INAC and First Nations of Quebec and Labrador Health and Social Services Commission. (no attachment)
- May 2, 2016. Regional Roundtable meeting with First Nations Child and Family Service agencies, the Commission, and Quebec's ministère de la Santé et Services Sociaux (MSSS) on Canadian Human Rights Tribunal, Jordan's Principle and formula funding. (no attachment)

- July 11, 2016. FNIHB-QC Regional Executive connected with INAC-QC Regional Director on engagement strategy. (no attachment)
- July 19, 2016. FNIHB-QC Regional Executive held discussions with the First Nations of Quebec and Labrador Health and Social Services Commission (FNQLHSSC) Director General and INAC-HQ Regional Director. (no attachment)
- July 27, 2016. FNIHB-QC Regional Executive had call with INAC-QC Regional Director and the Ministère de la Santé et des Services Sociaux (MSSS) Associate Deputy Minister to present the new approach and engagement strategy. INAC-QC connected with the Secrétariat aux affaires autochtones Associate Deputy Minister during the same week. (no attachment)
- August, 2016:
 - o Connected with regional partners (INAC, First Nations of Quebec and Labrador Health and Social Services Commission (FNQLHSSC or "la Commission"), Ministère de la Santé et des Services sociaux, Province). (no attachment)
 - o Bilateral discussions on Jordan's Principle engagement. (no attachment)
- September 19, 2016. Bilateral discussion between FNIHB-QC Regional Executive and the FNQLHSSC Director General about engagement, service coordination and the role the FNQLHSSC want to play. (no attachment)
- September 21, 2016. FNIHB-QC Regional Executive presented the initiative and associated funding to First Nations Health Directors Network of Quebec. (no attachment)
- September 22, 2016. Meeting between FNIHB-QC and INAC-QC staff to discuss programs involved with Jordan's Principle. (no attachment)
- September 22, 2016. INAC/Health Canada/Province presentation on Jordan's Principle – Child First Initiative. (JP overview presentation)
- September 28, 2016. Meeting with Ministère de la Santé et des Services sociaux, Health Canada, and INAC (Quebec Region) on Jordan's Principle and regional needs. (JP overview presentation)
- September 30, 2016. Meeting with Ministère de la Santé et des Services sociaux and INAC to discuss child and family services engagement and Jordan's Principle. (JP overview presentation)
- September 30, 2016. Meeting with FNIHB-QC, INAC-QC and Tshakapesh, an institute that serves the Innus of the Basse Côte Nord with learning programs and services. (no attachment)

- October 4, 2016. Meeting with Ministère de la Santé et des Services sociaux and INAC to discuss child and family services engagement and Jordan's Principle – Child First Initiative. (no attachment)
- October 6, 2016. Meeting with Health Canada, INAC (Quebec Region), and *Commission en Éducation des Premières Nations (CEPN)* (no attachment)
- October 11, 2016. Discussion between Regional Executive (Health Canada) and First Nations of Quebec and Labrador Health and Social Services Commission on the role it wants to play, the use of regional funding and next steps (no attachment)
- October 12, 2016. Discussion between FNIHB-QC Regional Executive and the FNQLHSSC Board of Directors about the use of funding and deployment of the strategy in the region.
- October 26, 2016. First tripartite meeting between the partners to create a Coordination Committee. (no attachment)

In Ontario:

- July 7, 2016. First Nations and Inuit Health Branch presented to Chiefs of Ontario (COO), Social, Health, Education & Justice (SHE&J) Committee on Jordan's Principle. (JP overview presentation)
 - July 22, 2016. First Nations and Inuit Health Branch presented to Chiefs of Ontario Health Coordination Unit (HCU) on Jordan's Principle. (no attachment)
 - August 16, 2016. Discussion on Jordan's Principle at INAC-HC Joint Workplan meeting; identified areas for ongoing collaboration. (no attachment)
 - September 7, 2016. First Nations and Inuit Health Branch presented to Trilateral First Nations Health Senior Officials Committee (TFNHSOC) Mental Health & Addictions Working Group (MHAWAG) on Jordan's Principle-Child First Initiative and identified gap in medical transportation to treatment facilities not on provincial Drug and Alcohol Registry of Treatment list. (no attachment)
- October 6, 2016. First Nations and Inuit Health Branch presented to Independent First Nations (IFN) on Jordan's Principle – Child First Initiative and requested input/feedback on methods to obtaining/evaluating what type and level unmet needs.
- October 6, 2016. Discussion with province, Ministry of Health and Long Term Care, on future collaboration between their Jordan's Principle projects and federal Jordan's Principle. Further discussion scheduled for late October. (no attachment)

- October 18, 2016. First Nations and Inuit Health Branch to present to Chiefs of Ontario Health Coordination Unit to discuss Service Coordinator and options for implementation.
*SHE(J) is a committee made up of Social, Health, Education Directors of the PTO's/Independent First Nations. The justice director from COO also participates. The group networks and shares information on common issues, including but not limited to children/youth issues, gaps in services, and research such as the Regional Health Survey and First Nations Regional Early Childhood, Education and Employment Survey. The province and First Nations and Inuit Health Branch are invited to participate at these meetings and share information on their initiatives. The committee has proven to be a successful venue to make recommendations that are supported by technicians for all units to the Chiefs and to formulate and relay common messages to all government departments.

Chiefs of Ontario Health Coordination Unit is comprised of a representative (Health Director) from each of the five First Nation Provincial/Territorial Organizations in Ontario and staff from Chiefs of Ontario. They are the leading First Nations engagement partner for First Nations and Inuit Health Branch Ontario.

Trilateral First Nations Health Senior Officials Committee (TFNHSOC) and the Mental Health and Addictions Working Group (MHAWAG) are comprised of Health Canada, INAC, the provincial ministries of Health and Long Term Care and the ministry of Child and Youth Services as well as members of the Chiefs of Ontario Health Coordination Unit.

IFN is an organization made up of the 12 independent First Nations in Ontario

In Manitoba:

- June 27, 2016. Meeting of First Nations Child and Family Services Regional Advisory Committee. Jordan's Principle – Child First Initiative was discussed. (no attachment)
- July, 2016:
 - o Meeting of Regional Advisory discussed Jordan's Principle – Child First Initiative - Assembly of Manitoba Chiefs, Southern Chiefs, province (no attachment)
- July & August 2016. Health Canada conducted an Environmental Scan through the Home Care Program which was sent to all 63 communities to identify children with needs. 80% of communities responded. (no attachment)
- August 1, 2016. Health Canada met with Dakota Plains by teleconference to discuss Jordan's Principle. (no attachment)
- September 16, 2016. INAC invited to participate in Health Canada meeting with Specialized Services for Children and Youth. Provincially funded organization.

- September 26, 2016. Meeting with multi-sectoral working group on Jordan's Principle (Terms of Reference Officials Working Group) includes First Nation, provincial and federal partners. Initial engagement discussion and how to coordinate service delivery between all partners. (no attachment)
- September 2016. The First Nations Child and Family Services program engagement discussions and planning at the regional advisory committee have included Jordan's Principle – Child First Initiative. INAC has received a proposal from the Assembly of Manitoba Chiefs to lead the First Nations Child and Family Services regional engagement activities, Jordan's Principle – Child First Initiative engagement activities are recognized in this proposal. The proposal highlights the need to have ongoing communications between the two engagement processes to ensure linkage are identified and addressed. (no attachment)
- September/October 2016. Health Canada engagement meetings at First Nations community level: (no attachments)
 - o Manto Sipi – September 13, 2016
 - o Wuskwi Siphk – September 21, 2016
 - o Pinaymootang – September 12, 2016
 - o Waywayseecapo – October 4, 2016
 - o Poplar River – October 6, 2016
 - o Four Arrows Regional Health - October 12, 2016
 - o West Region Tribal Health – October 25, 2016
 - o Tootinawaziibeeng – October 27, 2016
 - o Lake St. Martin – October 28, 2016
- September 23, 2016. Health Canada engagement with First Nations and Inuit Health Branch Children and Youth Advisory Committee. (no attachment)
- September 26, 2016. Meeting with multi-sectoral working group on Jordan's Principle (Terms of Reference Officials Working Group) includes First Nation, provincial and federal partners. Initial engagement discussion and how to coordinate service delivery between all partners. (no attachment)
- October 18-20, 2016 - Regional meeting with Health Directors, Public Health, Home & Community Care Nurses (one day to focus on JP-CFI initiatives).

In Saskatchewan

** All session in Saskatchewan used the Jordan's Principle presentation, and the Fact Sheet attached in Annex I.*

- August 10, 2016. Regional Executive (Health Canada) met Federation of Sovereign Indigenous Nations (FSIN) Vice Chief, Health and Social Development Secretariat regarding new approach, and Region's proposal to fund Early Childhood Intervention Program agencies to coordinate Jordan's Principle – Child First Initiative in Saskatchewan (response was generally positive). Federation of Sovereign Indigenous Nations proposed reinstituting former tripartite Joint Working Group to address implementation of new approach.

- August 12, 2016. First Nations and Inuit Health Branch and INAC met with provincial reps from Interlocutor of First Nations and Metis Relations, and Ministries of Health, Social Services, and Education re: new approach. Two provincial leads were identified for Jordan's Principle – Child First Initiative and provincial reps agreed to seek mandate to participate in former tripartite Joint Working Group. Provincial reps expressed support for using established agencies to deliver Enhanced Service Coordination.
- August 30, 2016. First Nations and Inuit Health Branch presented to Senior Technical Advisory Group (STAG, health directors) who created committee of Health Directors/ Federation of Sovereign Indigenous Nations staff to engage in bilateral discussions with First Nations and Inuit Health Branch (with intention of engaging Province and INAC to reinstitute tripartite Joint Working Group). Health Directors need more detailed discussion re: Enhanced Service Coordination before endorsing Early Childhood Intervention Program agencies to fulfill those roles.
- August 2016. First Nations and Inuit Health Branch presented to First Nations Indian Child and Family Service (ICFS) directors who proposed to have Indian Child and Family Service reps on new First Nations Jordan's Principle – Child First Initiative committee and bilateral implementation discussions with First Nations and Inuit Health Branch -Saskatchewan.
- September 12, 2016. Kinistin. Attended the Parent and Child Fall Celebration with information.
- September 13 and 14, 2016. Saskatchewan Indian Institute of Technologies Home Visiting class. Spend an hour discussing services.
- September 21, 2016. Yorkton Tribal Council with Parkland, Southeast Cornerstone and Regina Early Childhood Intervention Program.
- September 22, 2016. Peter Ballantyne Cree Nation Pelican Narrows.
- September 29, 2016. Ministries of Education and Social Services, the Office of the Provincial Interlocutor and Government Relations, and Executive Council.

In Alberta:

- July 7, 2016. All Chiefs sent communication re: Jordan's Principle – Child First Initiative funding announcement.
- July 20, 2016. Discussion with provincial Assistant Deputy Minister's: Justice, Health, Education, Aboriginal Relations, Human Services. (no attachment)
- August 8, 2016. Director of Nursing sent out communication to all Health staff (Health Directors, Nurse Managers).

- August 11, 2016. Regional Executive (Health Canada) met with the Treaty 7 organization and Health Directors.
- August 23, 2016. Health Canada and INAC met with the three Grand Chiefs (Treaty 6, 7, and 8). (no attachment)
- August 24, 2016. Regional Executive (Health Canada) met with the Treaty 6 organization.
- September 6, 2016. Regional Executive (Health Canada) met with the Treaty 8 organization.
- September 12, 2016. Regional Collaborative Service Delivery Meeting.
- September 27, 2016. Discussion at Mental Health/Addictions Health Co-Management Subcommittee meeting.
- September 28, 2016. Further meetings with Treaty 8 Chief Executive Officer and Health Director and Treaty 8 Health Commission meeting.
- September 2016. Discussion at Non-Insured Health Benefits Health Co-Management Subcommittee meeting.
- October 5, 2016. Meeting with Alberta Assistant Deputy Minister of Human Services and other provincial partners to discuss and understand provincial "normative standard":
- October 5, 2016. Presentation and dialogue at Health Co-Management Co-Chairs Subcommittee meeting.
- October 6, 2016. Presentation and dialogue at regional Child and Family Services Engagement Process: Senior Officials Steering Committee.
- October 11, 2016. First Nations and Inuit Health Branch and INAC presentation and dialogue at Regional Middle Managers Committee.
- October 11, 2016. Discussion at Health Co-Management Children & Youth Subcommittee meeting.
- October 13, 2016. In Camera Dialogue at Health Co-Management Meeting regarding Enhanced Service Coordination function.
- October 26, 2016. (Deferred from October 14, 2016) Presentation and dialogue at a Special Health Co-Management meeting.

In British Columbia:

- June 15-16, 2016. Quarterly Bilateral Accountability Framework meeting between Ministry of Child and Family Development, and INAC discussed Jordan's Principle – Child First Initiative. (no attachment)
- September 29, 2016. Ministry of Child and Family Development, *Knucwentwecw* Society, and INAC discuss Jordan's Principle– Child First Initiative. (no attachment)
- September 28, 2016. First Nations Health Authority (FNHA): conference call to discuss initial steps that begin to link FNHA with INAC and subsequently Health Canada regarding role that FNHA has in administration of Jordan's Principle – Child First Initiative. (no attachment)
- October 4, 2016. Ministry of Child and Family Development, *St'at'imx* Health Council, and INAC – overview of Jordan's Principle– Child First Initiative. (no attachment)
- Dates To Be Determined: Tripartite Working Group (INAC, Ministry of Children and Family Development and First Nations Leadership Council) has identified in its DRAFT Action Framework a commitment to work together to ensure full implementation of Jordan's Principle in BC. (no attachment)

In Yukon:

- September 16, 2016: Jordan's Principle – Child First Initiative information shared by Health Canada with all territories at an Assistant Deputy Minister level meeting. (no attachment)
- September 26, 2016: Health Canada's Northern Regional Executive and INAC's Regional Director General met with Government of Yukon and Council for Yukon First Nations to discuss next steps with respect to the implementation of Jordan's Principle – Child First Initiative. Discussions will be ongoing. (no attachment)

b. A response indicating its views on the request that it reimburse costs for travel to access physician-prescribed special needs services and assessments, special needs rehabilitative and support services and respite care, and support for families in crisis as part of immediate relief investments in Ontario

INAC is working with the province of Ontario and First Nations leadership and other partners to review INAC's support for child and family services through the 1965 Agreement. Discussions to-date have focused on the flow of immediate relief investments, where an agreement was reached with INAC, the province of Ontario and the Chiefs of Ontario that investments should focus on prevention.

Future discussions will include examining the available supports provided by the province under its *Child and Family Services Act* and the needs of First Nations children on reserve.

c. A response indicating its views on dealing with the infrastructure needs of FNCFS Agencies as part of immediate relief investments in Ontario

INAC is working with the province of Ontario and First Nations leadership and other partners to review INAC's support for child and family services through the 1965 Agreement. Discussions to-date with the province of Ontario and First Nations leadership have focused on immediate relief investments. Future work will include a review of the impact of the 1975 expiry of federal cost-sharing for infrastructure within the 1965 Agreement with Ontario. As noted above, in Section 2 C, as part of the engagement and reform process, INAC will review the information provided by FNCFS agencies in response to its October 28 letter, and continue national and regional discussions, to develop a longer-term response to infrastructure needs.

d. A response indicating its views on the request to expand the eligibility requirements of the 1965 Agreement as part of immediate relief investments in Ontario

On the issue of children 'entitled to be registered,' INAC would clarify that the Department's Ontario Region, as part of determining payment under the 1965 Agreement, includes children who may not be registered but who may be entitled to be registered. This is intended to address the requirements of clause 1 (1) (b) of the 1965 Agreement. While this issue does not appear to have any impact on services provided to First Nation children by provincially-funded agencies, INAC will further explore these issues as part of the engagement and reform process.

INAC is working with the province of Ontario and First Nations leadership and other partners to fully review INAC's support for child and family services through the 1965 Agreement.

e. A response indicating its views on the request that it conduct a special study on the application of the 1965 Agreement in Ontario

INAC's view is that part of the reform process needs to determine "the adequacy of the 1965 Agreement in achieving comparability of services; culturally appropriate services that account for historical disadvantage; and, ensuring the best interest of the child are paramount" (September 14, 2016 ruling, paragraph 103), as outlined in the findings of the Tribunal. INAC is working with the province of Ontario and First Nations leadership and other partners to look specifically at INAC's support for child and family services through the application of the 1965 Agreement, with discussions to-date focusing on immediate relief investments for 2016-17.

f. A response indicating if it is agreeable to providing funds for the CCI Parties' participation in the upcoming in-person case management meeting and any subsequent meetings

INAC will reimburse travel costs, according to Treasury Board standards, for client participants who work with an organization outside of Ottawa to travel to Ottawa to attend in-person case management meetings.



**Department of Justice
Canada**

Atlantic Regional Office
Suite 1400, Duke Tower
5251 Duke Street
Halifax, Nova Scotia B3J 1P3

**Ministère de la Justice
Canada**

Bureau régional de l'Atlantique
Pièce 1400, Tour Duke
5251, rue Duke
Halifax (Nouvelle-Écosse) B3J 1P3

*Released under the Access
to Information Act*

*Communiqué en vertu de la
Loi sur l'accès à*

Telephone: (902) 426-7916
Facsimile: (902) 426-8796
E-Mail: melissa.chan@justice.gc.ca

Our File: AR-800702
Notre dossier:

Your file:
Votre dossier:

Via Email: Dragisa.Adzic@tribunal.gc.ca

October 31, 2016

Dragisa Adzic
Registry Officer
Canadian Human Rights Tribunal
160 Elgin Street - 11th Floor
Ottawa, ON K1A 1J4

Dear Mr. Adzic:

**Re: First Nations Child and Family Caring Society, et al. v Attorney General of
Canada - Tribunal File: T1340/7008**

Further to the Tribunal's Ruling issued September 14, 2016, Please find enclosed INAC's Report dated October 31, 2016. Hard copies will be sent to the Tribunal.

Yours truly,

Melissa Chan
Counsel
Civil Litigation and Advisory Services

MC/ab
Enclosure

cc: David Taylor/David Nahwegahbow/Daniel Poulin/Samar Musallam/Stuart Wuttke/Justin Safayeni/Maggie Wente/Jonathan Tarlton/Patricia MacPhee/Terry McCormick/Ainslie Harvey/Julian N. Falconer/Akosua Matthews/Anthony Morgan



Letter sent via electronic mail

Dear First Nations Child and Family Services Agencies (Executive Directors, Directors, and Managers,

In response to the January 26, 2016 Canadian Human Rights Tribunal decision and the Truth and Reconciliation Commission's Calls to Action, Indigenous and Northern Affairs Canada (INAC) has committed to reform the First Nations Child and Family Services Program (the Program) to address child welfare on reserve. To ensure that our work reflects the needs of all partners, we are engaging with First Nations, provincial and territorial partners, as well as service providers and other experts. We are looking forward to reaching out in the coming weeks to share information about our engagement approach and how we intend to connect with partners and stakeholders.

The purpose of this letter is to offer you two one-time funding opportunities as a part of the engagement and reform process. These two opportunities are available for each Agency and you may apply for one or both of those opportunities.

The funding opportunities are explained in more detail below but in summary are as follows:

Part 1) INAC will fund \$25,000 for you to provide INAC with information about your Agency's distinct needs and circumstances to inform our thinking on new funding approaches; and/ or

Part 2) INAC will fund up to \$75,000 to develop and implement culturally-based programs and tools for the community (ies) that your Agency serves.

INAC is aware that many agencies are already working in partnership to determine how to address their needs and circumstances as well as to develop and implement culturally-based programs and tools. INAC will support agencies partnering together, and working with other First Nations organizations, to coordinate their participation in this process, given work underway, in various regions.

Part 1: Distinct needs and circumstances

As part of the engagement and reform process, INAC will be examining funding approaches that equip service providers to best address the needs of children and families in the communities they serve. As part of this process, INAC would like to invite you to provide information about your agency's distinct needs and circumstances, the associated costs to meet these needs, and the factors that impact the way you deliver child and family services. This information will help INAC to better understand the reality on the ground, and inform the path forward.



To support you to gather this information, INAC will provide \$25,000 for each agency through your regional INAC office. Please contact them directly. Ideally we would like to receive this information on your needs by June 30, 2017.

INAC is open to agencies describing their actual needs, and the funds required to meet those needs, as they know them best. Some examples of areas agencies may wish to provide information on include:

- 1) The agency's ability to provide prevention services and programs to maintain children safely in their family environment
- 2) The percentage of children in care and families in need in the communities served
- 3) Understanding what services are available in the community and the need for accessing services off-reserve
- 4) The prevention and post-care needs of children and families (e.g. cultural programming, early intervention, prevention, after care services.)
- 5) How remoteness and geographic isolation impacts an agency's ability to provide services (e.g. with respect to travel costs, higher costs of living, other additional costs)
- 6) The caseload ratios of protection and prevention workers needed to provide services and/or achieve results for communities
- 7) How to better understand and mitigate issues of recruitment, retention and training of agency staff
- 8) Needs and options for how best to operate a small agency
- 9) The scope and range of legal fees needed to support children in care
- 10) Building/ capital repair needs
- 11) Any other areas of need and/or particular circumstances you deem applicable to community needs in the area that you serve.

Part 2: Culturally-based programs and tools development and improvement

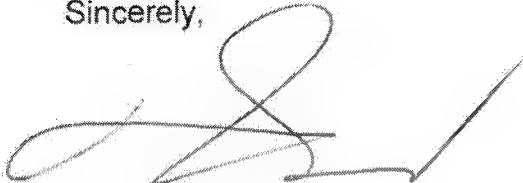
INAC will make available up to \$75,000 for each interested agency to support their development or updating and implementation of:

- a) A culturally-based vision for your programming and service work (e.g., Touchstones of Hope), and/or
- b) Culturally-based child and family service standards/ evaluation mechanisms, and/ or the delivery of programs, development of prevention tool-kits, best practices guides, etc.

This funding will be proposal-based and is available in either 2016-2017 or 2017-2018. Your regional INAC office will be pleased to provide you more detail. For reporting purposes, INAC is interested in receiving documentation that details your visioning work and/ or the program activities or practices work your agency has developed.

We continue to support your work providing child and family services rooted in a culturally respectful and community-based understanding for the needs of healthy children, families and communities as a whole. Throughout the broader Program reform engagement process, INAC will continue to gather information on agency needs and circumstances and want to ensure that we hear from all agencies and service providers. We welcome all suggestions for engaging at the community level that you may have.

Sincerely,

A handwritten signature in black ink, appearing to be 'Margaret Buist', written over a horizontal line.

Margaret Buist

C.c. Provincial or Yukon Government area(s) responsible for Child and Family Services

C.c. INAC Regional Director Generals



Le 28 octobre 2016

Lettre envoyée par courrier électronique

Chers organismes des services à l'enfance et à la famille des Premières Nations
(directeurs exécutifs, directeurs et gestionnaires),

Dans le but de répondre à la décision du Tribunal canadien des droits de la personne prise le 26 janvier 2016 ainsi qu'à l'appel à l'action lancé par la Commission de vérité et réconciliation, Affaires autochtones et du Nord Canada (AANC) s'est engagé à réformer le Programme des services à l'enfance et à la famille des Premières Nations (le Programme) afin de régler les enjeux reliés aux services de protection de l'enfance dans les réserves. Afin que nos travaux prennent en compte les besoins de tous les partenaires, nous consultons les Premières Nations, les partenaires provinciaux et territoriaux, les fournisseurs de services de même que d'autres spécialistes. Nous avons hâte de mettre en œuvre cette consultation au cours des prochaines semaines et partager l'information au sujet de l'approche que nous prendrons à cet égard, ainsi que la façon avec laquelle nous avons l'intention de communiquer avec les partenaires et les intervenants.

Le but de la présente lettre est de vous offrir, dans le cadre du processus de consultation et de réforme, deux possibilités de financement ponctuel. Ces deux possibilités sont offertes à tous les organismes; il vous est donc possible de présenter une demande pour l'une ou l'autre de ces possibilités de financement, ou les deux.

Les possibilités de financement sont expliquées plus en détail ci-dessous, en voici d'abord un résumé :

1) AANC offre un financement de 25 000 \$ pour que vous lui soumettiez des précisions sur les besoins et le contexte particuliers de votre organisme afin de guider sa réflexion sur de nouvelles approches en matière de financement;

2) AANC offre jusqu'à 75 000 \$ pour l'élaboration et la mise en œuvre de programmes et d'outils adéquats sur le plan culturel pour la ou les communauté(s) auxquelles votre organisme offre des services.

AANC est conscient que de nombreux organismes travaillent déjà en partenariat afin de déterminer comment répondre à leurs besoins et à leurs contextes particuliers ainsi que pour l'élaboration et la mise-en-œuvre de programmes et outils axés sur la culture. AANC aidera les organismes à collaborer avec d'autres organisations des Premières Nations afin de coordonner leur participation à ce processus, compte tenu des activités déjà en cours dans diverses régions.



1) Besoins et contexte particuliers

Dans le cadre du processus de consultation et de réforme, AANC examinera des approches de financement qui permettront aux fournisseurs de services de répondre le plus adéquatement possible aux besoins des enfants et des familles des communautés pour lesquelles ils offrent des services. Pour ce faire, AANC vous invite à fournir de l'information sur les besoins et le contexte particuliers à votre organisme, sur les coûts à assumer pour répondre à ces besoins et sur les facteurs qui ont des répercussions sur la façon dont vous fournissez les services à l'enfance et à la famille. Ces informations aideront AANC à mieux comprendre la réalité sur le terrain ainsi que la voie à suivre dans l'avenir.

Pour vous aider à recueillir ces informations, AANC, par l'intermédiaire de votre bureau régional, offre 25 000 \$ pour chaque organisme. Idéalement, nous aimerions recevoir l'information au sujet de vos besoins et contextes particuliers d'ici le 30 juin 2017.

Les organismes peuvent décrire leurs besoins réels, et les fonds requis pour satisfaire à ces besoins, puisque ce sont eux qui les connaissent le mieux. Voici des exemples d'informations que les organismes pourraient souhaiter soumettre :

- 1) La capacité de l'organisme à fournir des services et des programmes de prévention visant à maintenir les enfants dans un environnement familial sécuritaire.
- 2) Le pourcentage d'enfants pris en charge et de familles dans le besoin dans les communautés servies.
- 3) La connaissance des services offerts dans la communauté et le besoin d'accéder à des services hors des réserves.
- 4) Les besoins en matière de prévention et de soins ultérieurs à la prise en charge des enfants et des familles (programmes culturels, intervention rapide, prévention, services en soins ultérieurs, etc.).
- 5) Les répercussions de l'éloignement et de l'isolement géographique sur la capacité de l'organisme à fournir des services (coût des déplacements, coût de la vie élevé, autres coûts, etc.)
- 6) Les ratios de cas pris en charge par les travailleurs affectés à la protection ou à la prévention nécessaires pour fournir des services et/ou obtenir des résultats pour les communautés.
- 7) Les enjeux liés au recrutement, au maintien en poste et à la formation du personnel afin de mieux comprendre et atténuer les problèmes.
- 8) Les besoins des petits organismes et les meilleurs modes de fonctionnement pour eux.
- 9) L'étendue et la diversité des frais juridiques à assumer pour aider les enfants pris en charge.
- 10) Les besoins en matière de réparations aux bâtiments ou aux immobilisations.
- 11) Autre information liée aux besoins ou contexte particuliers des communautés pour lesquelles vous offrez des services.

2) Programmes et outils de développement et d'amélioration adéquats sur le plan culturel

AANC rendra disponible un montant pouvant s'élever jusqu'à 75 000 \$ pour chaque organisme afin de soutenir l'élaboration ou la mise à jour et la mise en œuvre :

- a) d'une vision adéquate sur le plan culturel à l'égard des programmes et services offerts (par exemple, *Touchstones of Hope*); et/ou
- b) de normes de services ou de mécanismes d'évaluation des services à l'enfance et à la famille adéquats au plan culturel, et/ou la prestation de programmes, la création de trousseaux de prévention ou des guides sur les pratiques exemplaires, etc.

Il s'agit d'un financement axé sur les propositions, qui sera fourni en 2016-2017 ou en 2017-2018. Le bureau d'AANC de votre région se fera un plaisir de vous donner de plus amples renseignements. En ce qui concerne les fins de préparation de rapports, AANC souhaite recevoir des documents qui précisent votre vision et/ou les activités ou pratiques en matière de programmes que votre organisme aura élaborées.

Nous continuons de soutenir vos travaux en vue de fournir des services à l'enfance et à la famille qui découlent d'une compréhension globale des besoins des enfants, des familles et des collectivités, qui sont axés sur la communauté et qui respectent sa culture. Tout au long du plus vaste processus de consultation au sujet de la réforme du Programme, AANC continuera de recueillir de l'information sur les besoins et le contexte des organismes. Nous voulons nous assurer de connaître le point de vue de tous les organismes et de tous les fournisseurs de services. Nous accueillons toutes les suggestions au sujet de la consultation au niveau communautaire que vous souhaitez nous fournir.

Recevez, Madame/Monsieur, mes plus sincères salutations.

Margaret Buist



c.c. Gouvernements provinciaux et du Yukon, responsables des services à l'enfance et à la famille

c.c. Directeurs généraux régionaux d'AANC

Sabrina Kabir - Renseignements importants au sujet du Programme des services à l'enfance et à la famille des Premières Nations /Important information regarding the First Nations Child and Family Services Program

From: Cassandra Lang
To: Alison Lobsinger; Camil Simard; Cathy Huber; Jody Kaden; Nathalie Levesque; Peter Jones; Shari Borgford; Winona Embuldeniya
Date: 10/24/2016 7:25 PM
Subject: Renseignements importants au sujet du Programme des services à l'enfance et à la famille des Premières Nations /Important information regarding the First Nations Child and Family Services Program
CC: Austra Burns; Carol Schimanke; Carole J Lacelle; Christina Buckshot; Derek Tubman; Grondin, Marie-Josée; Jacob Krolczyk; Joe Behar; Mark Ziolkowski; Phil Digby; Robyn Abernethy-Gillis; Sabrina Kabir; Salena Brickey; Sandra Laughren; Scott Amos; Tammy Bazylinski; Veronique Giguere; William McArthur

Chers collègues,

Comme vous le savez, nous sommes à préparer notre réponse à l'ordonnance rendue le 14 septembre par le Tribunal canadien des droits de la personne. Dans le cadre de ce processus, je désire vous rappeler les engagements qu'Affaires autochtones et du Nord Canada (AANC) a pris pour donner suite à cette ordonnance, et aussi en vue de réformer notre programme afin de mieux répondre aux besoins des enfants et des familles dans les réserves. Veuillez transmettre ces renseignements aux personnes concernées, notamment les directeurs d'organismes.

- Comme le montre le calcul du financement, AANC a établi l'hypothèse de 6 % d'enfants pris en charge et de 20 % de familles dans le besoin comme norme minimale seulement.
- AANC n'exige plus des organismes qu'ils récupèrent les dépassements de coûts liés à l'entretien à partir des fonds destinés à la prévention ou au fonctionnement. Si un organisme enregistre des dépassements ou des contraintes financières relativement à l'entretien, il faut soumettre la question au Ministère afin que nous puissions obtenir des fonds additionnels pour couvrir les coûts en question.
- En ce qui concerne les frais juridiques, si un organisme fait face à des contraintes financières quant à des frais précis visant un enfant, une demande de fonds supplémentaires doit être soumise à AANC pour les couvrir.
- Pour ce qui est des dépenses d'immobilisations, AANC continuera d'examiner les dépenses secondaires, y compris celles qui doivent être réalisées afin de se conformer aux codes et aux règlements applicables dans les domaines du bâtiment, de la sécurité et des incendies, au cas par cas.

En terminant, il serait préférable que tous décrivent notre modèle de financement de la même façon, c'est-à-dire comme étant fondé sur la prévention (nous n'utilisons plus les expressions « approche améliorée axée sur la prévention » ou « Directive 20-1 » pour décrire notre approche).

Cette fois encore, n'hésitez pas à communiquer avec moi si vous avez des questions.

Merci,

Cassandra

*Released under the Access
to Information Act*

*Communiqué en vertu de la
Loi sur l'accès à
l'information*

Dear colleagues,

As you are aware, we are currently preparing our response to the September 14th order of the Canadian Human Rights Tribunal. As part of this process, I would like to remind you of the commitments INAC has made in response to the Tribunal and in the spirit of reforming our Program to better meet the needs of children on families on reserve. Please share this information as appropriate, including with agency directors.

- As outlined in our funding calculations, INAC has established the assumptions of 6% of children in care and 20% of families in need as minimum standards only
- INAC has ceased the practice of requiring agencies to recover cost overruns related to maintenance from their prevention and/or operations funding streams. Should there be cost overruns or pressures related to maintenance funding for an agency, these should be brought to the attention of the Department so that we can secure additional funds to cover these costs
- Regarding legal fees, should an agency experience funding pressures related to specific legal fees for a child, requests for additional funds should be submitted to INAC to cover these requirements
- Regarding capital expenditures, INAC will continue to consider requests related to minor capital expenditures, including those that must be done to comply with applicable fire, safety and building codes and regulations, on a case-by case basis.

Overall, we would also appreciate it if we could use the same language to describe our funding model, which is that it is prevention based (we are no longer using EPFA or 20-1 to describe our approach).

As always, please feel free to contact me if you have any questions.

Thank you,

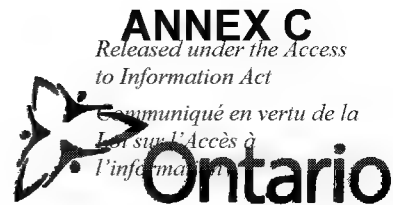
Cassandra

Cassandra Lang
Directrice/Director
Direction de l'enfance et de la famille/Children and Families Directorate
Secteur des programmes
et des partenariats en matière d'éducation et de développement social/Education and
Social Development Programs and Partnerships Sector
Affaires autochtones et du Nord Canada/Indigenous and Northern Affairs Canada
10, rue Wellington/10 Wellington Street
Gatineau (Québec) K1A 0H4
cassandra.lang@aadnc-aandc.gc.ca
Téléphone/Telephone: (819) 934-9010 Gouvernement du Canada/Government of Canada



Indigenous and
Northern Affairs Canada

Affaires autochtones
et du Nord Canada



Ministry of Children and
Youth Services

Ministère des Services
à l'enfance et à la jeunesse

October 21, 2016

Isadore Day
Ontario Regional Chief
Chiefs of Ontario
111 Peter Street, Suite 804
TORONTO ON M5H 2H1

Dear Chief Day:

Re: Immediate Relief Funding for Child Welfare Prevention in First Nations

Thank you for your letter dated October 13, 2016, regarding the disbursement of Canada's immediate relief funding for prevention activities to First Nation communities in Ontario.

Indigenous and Northern Affairs Canada (INAC) and the Ministry of Children and Youth Services are in agreement with the Chiefs of Ontario about the importance of flowing the \$5.83 million immediately, and agree that the Casino Rama funding model should be used to distribute funding for prevention activities.

The Ministry of Children and Youth Services has agreed to receive the funding from INAC through the 1965 Indian Welfare Agreement, and will use the partnerships of the Ontario Indigenous Children and Youth Strategy to flow the funds. Please find attached an updated spreadsheet with the funding breakdown (see Appendix A). The immediate relief funds are to be used for prevention services and activities as defined by the communities that will support the implementation of Ontario's Indigenous Children and Youth Strategy, including start-up costs for the Family Well-Being Program.

In terms of next steps, INAC will set up a meeting with the identified working group members from the Chiefs of Ontario's Social Services Coordination Unit and the Ministry of Children and Youth Services in the coming weeks as part of the Technical Tripartite Working Group to provide additional details regarding the release of funding, and begin work on funding and program reform options for 2017-2018, including transformation of funding currently provided through the 1965 Indian Welfare Agreement.

Sincerely,

A/ Mauricette Howlett
Regional Director General
Indigenous and Northern Affairs Canada

Darryl Sturtevant
Assistant Deputy Minister
Ontario Ministry of Children and Youth Services

.../2

- 2 -

**Attachment: Application of OFNLP Formula for Distribution of Immediate Relief to
Ontario First Nations, 2016-17**

c.c.: Political Confederacy

**Deputy Grand Chief Denise Stonefish, Chair, Chiefs Committee on Social
Services, Chiefs of Ontario**

Linda Ense, Director of Social Services, Chiefs of Ontario

Social Services Coordination Unit, Chiefs of Ontario

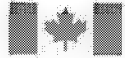
Nancy Matthews, Deputy Minister, Ministry of Children and Youth Services

**Sarah Caldwell, Director, Strategic Policy and Aboriginal Relationships Branch,
Ministry of Children and Youth Services**

Margaret Buist, Director General, Children and Families Branch, INAC

APPENDIX A:

Grant Recipient	Total Funding (2016/17)
Association of Iroquois and Allied Indians	\$445,376.77
Grand Council Treaty #3	\$715,787.08
Independent First Nations	\$430,609.61
Nishnawbe Aski Nation	\$1,841,281.82
Union of Ontario Indians	\$1,565,495.00
Mississaugas of the New Credit First Nation	\$53,470.22
Six Nations of the Grand River	\$414,458.35
Stanjikoming	\$20,007.84
Moose Cree	\$85,963.33
Waabigoniw Saaga'iganiw Anishinaabeg	\$28,313.79
Bkejwanong Territory	\$89,229.04
Mississauga	\$36,992.53
Atikameksheng Anishnawbek	\$36,023.26
Ojibway Nation of Saugeen #258	\$21,170.97
Chippewas of Mnjikaning	\$45,820.40
TOTAL:	\$5,830,000.01



Indigenous and
Northern Affairs Canada

Affaires autochtones
et du Nord Canada

ANNEX D
*Released under the Access
to Information Act
Communiqué en vertu de la
Loi sur l'accès à
l'information*

October 21, 2016

Your file - Votre référence

Our file - Notre référence

6550-13
CIDM 983208

Ms. Lisa Zanetti
Director, Financial Planning and Business Management Branch
Ministry of Community and Social Services
4th Floor, 80 Grosvenor Street
TORONTO ON M7A 1E9

Dear Ms. Zanetti:

Re: Notice of Budget Adjustment #1 under the Administrative Arrangement for the 1965 Agreement for 2016-2017

Please be advised that INAC is proceeding with a Notice of Budget Adjustment to increase funding under the Administrative Arrangement pursuant to the Canada-Ontario 1965 "Memorandum of Agreement Respecting Welfare Programs for Indians" for 2016-2017.

Further to the enclosed correspondence approved by Mauricette Howlett, Regional Director General, INAC Ontario Region, and Darryl Sturtevant, ADM, MCYS, dated October 21, 2016, the department will release \$5,833,525.12 by electronic transfer as soon as processing can be completed. These funds are for Ontario to provide child welfare prevention immediate relief funding to provincially-approved recipients serving First Nations communities.

As requested by MCYS, we are in agreement to waive the 10% holdback, in order for the Ministry to make immediate payments to eligible First Nations and organizations.

INAC is in agreement with MCYS claiming a federal reimbursement share of up to \$5,833,525 for actual payments to recipient First Nations and organizations this fiscal year. This represents INAC's 1965 Agreement maximum formula-based share of the total costs for new child welfare prevention programs extended by Ontario to First Nations in 2016-2017, including both immediate relief and the new Indigenous Family Well-Being Program.

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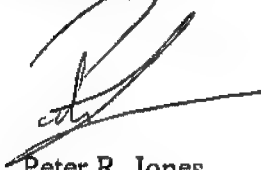
Canada

- 2 -

The notice of budget adjustment will be sent under separate cover.

Should you have any questions, please do not hesitate to contact Timothy Forte, Social Programs Officer, Education and Social Programs Directorate, at (416) 952-7070, or by email at Timothy.Forte@aadnc-aadnc.gc.ca.

Sincerely,



Peter R. Jones
Director
Education and Social Programs Directorate
Ontario Region

25 St. Clair Avenue East, 8th Floor
TORONTO ON M4T 1M2

Attachments: Cashflow Spreadsheet including NOBA#1
October 21, 2016 letter signed by INAC and MCYS

cc: Darryl Sturtevant, ADM, Strategic Policy and Planning Division, MCYS
Catherine Hermon, Federal-Provincial Cost Sharing Lead, Ministry of Community
and Social Services
Timothy Forte, Social Programs Officer, Education and Social Programs Directorate

DRAFT Cashflow Projection for MCSS Arrangement as of October 21, 2016
2016/2017 Fiscal Year
Recipient #3625
CIDM #945966 - v.3

PV Planning Variable	INAC Coding	INAC Functional Area Description	Related MCSS IFIS BU Codes	April	May	June	July	August	September	October	November
23101	NP85	Basic Needs	8628, 8629, 8630, 8631, 8633	\$7,205,842.50	\$7,205,842.50	\$7,205,842.50	\$7,205,842.50	\$7,205,842.50	\$7,205,842.50	\$7,205,842.50	\$7,205,842.50
	NP85	Sub-total		\$7,205,842.50	\$7,205,842.50	\$7,205,842.50	\$7,205,842.50	\$7,205,842.50	\$7,205,842.50	\$7,205,842.50	\$7,205,842.50
23101	NP8E	OW - Employment Support	8691, 8694	\$375,082.50	\$375,082.50	\$375,082.50	\$375,082.50	\$375,082.50	\$375,082.50	\$375,082.50	\$375,082.50
	NP8E	Sub-total		\$375,082.50	\$375,082.50	\$375,082.50	\$375,082.50	\$375,082.50	\$375,082.50	\$375,082.50	\$375,082.50
23102	NP8L	Special Needs	8642, 8644, 8645, 8647	\$138,975.00	\$138,975.00	\$138,975.00	\$138,975.00	\$138,975.00	\$138,975.00	\$138,975.00	\$138,975.00
	NP8L	Sub-total		\$138,975.00	\$138,975.00	\$138,975.00	\$138,975.00	\$138,975.00	\$138,975.00	\$138,975.00	\$138,975.00
23103	NP8R	Service Delivery	8649	\$661,792.50	\$661,792.50	\$661,792.50	\$661,792.50	\$661,792.50	\$661,792.50	\$661,792.50	\$661,792.50
	NP8R	Sub-total		\$661,792.50	\$661,792.50	\$661,792.50	\$661,792.50	\$661,792.50	\$661,792.50	\$661,792.50	\$661,792.50
23104	NP8Y	ESD - Service Delivery Infrastructure	8649	\$221,492.77	\$221,492.77	\$221,492.77	\$221,492.77	\$221,492.77	\$221,492.77	\$221,492.77	\$221,492.77
	NP8Y	Sub-total		\$221,492.77	\$221,492.77	\$221,492.77	\$221,492.77	\$221,492.77	\$221,492.77	\$221,492.77	\$221,492.77
23104	NP8Z	ESD - Ontario Works Employment Support	8691, 8694	\$257,505.00	\$257,505.00	\$257,505.00	\$257,505.00	\$257,505.00	\$257,505.00	\$257,505.00	\$257,505.00
	NP8Z	Sub-total		\$257,505.00	\$257,505.00	\$257,505.00	\$257,505.00	\$257,505.00	\$257,505.00	\$257,505.00	\$257,505.00
23111	NPAS	AB & ON Daycare (Ontario)	A370	\$870,652.50	\$870,652.50	\$870,652.50	\$870,652.50	\$870,652.50	\$870,652.50	\$870,652.50	\$870,652.50
	NPAS	Sub-total		\$870,652.50	\$870,652.50	\$870,652.50	\$870,652.50	\$870,652.50	\$870,652.50	\$870,652.50	\$870,652.50
23301	NPC5	In Home Care (Homemakers)	525567	\$522,862.50	\$522,862.50	\$522,862.50	\$522,862.50	\$522,862.50	\$522,862.50	\$522,862.50	\$522,862.50
	NPC5	Sub-total		\$522,862.50	\$522,862.50	\$522,862.50	\$522,862.50	\$522,862.50	\$522,862.50	\$522,862.50	\$522,862.50
23201	NPDI	CFS Maintenance Foster Homes	A755, A756, A757, A758	\$4,817,302.50	\$4,817,302.50	\$4,817,302.50	\$4,817,302.50	\$4,817,302.50	\$4,817,302.50	\$4,817,302.50	\$4,817,302.50
	NPDI	Sub-total		\$4,817,302.50	\$4,817,302.50	\$4,817,302.50	\$4,817,302.50	\$4,817,302.50	\$4,817,302.50	\$4,817,302.50	\$4,817,302.50
23201	NPDI	CFS Operations	A347, A506, A507, A570	\$4,375,756.35	\$4,375,756.35	\$4,375,756.35	\$4,375,756.35	\$4,375,756.35	\$4,375,756.35	\$4,375,756.35	\$4,375,756.35
	NPDI	Sub-total		\$4,375,756.35	\$4,375,756.35	\$4,375,756.35	\$4,375,756.35	\$4,375,756.35	\$4,375,756.35	\$4,375,756.35	\$4,375,756.35
23201	NPD3	CFS Operations - NOBA#0001		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	NPD3	Sub-total		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Totals				\$19,447,264.12	\$19,447,264.12	\$19,447,264.12	\$19,447,264.12	\$19,447,264.12	\$19,447,264.12	\$19,447,264.12	\$19,447,264.12

for MCSS Arrangement as of Octob

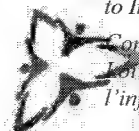
INAC Functional Area Description	December	January	February	March	Subtotal April to March	Pool	Heldback	Total Allocation
Basic Needs	\$7,205,842.50	\$7,205,842.50	\$7,205,842.50	\$0.00	\$79,264,267.50	\$7,205,842.50	\$9,607,790.00	\$96,077,900.00
Sub-total	\$7,205,842.50	\$7,205,842.50	\$7,205,842.50	\$0.00	\$79,264,267.50	\$7,205,842.50	\$9,607,790.00	\$96,077,900.00
OW - Employment Support	\$375,082.50	\$375,082.50	\$375,082.50	\$0.00	\$4,125,907.50	\$375,082.50	\$500,110.00	\$5,001,100.00
Sub-total	\$375,082.50	\$375,082.50	\$375,082.50	\$0.00	\$4,125,907.50	\$375,082.50	\$500,110.00	\$5,001,100.00
Special Needs	\$138,975.00	\$138,975.00	\$138,975.00	\$0.00	\$1,528,725.00	\$138,975.00	\$185,300.00	\$1,853,000.00
Sub-total	\$138,975.00	\$138,975.00	\$138,975.00	\$0.00	\$1,528,725.00	\$138,975.00	\$185,300.00	\$1,853,000.00
Service Delivery	\$661,792.50	\$661,792.50	\$661,792.50	\$0.00	\$7,279,717.50	\$661,792.50	\$882,390.00	\$8,823,900.00
Sub-total	\$661,792.50	\$661,792.50	\$661,792.50	\$0.00	\$7,279,717.50	\$661,792.50	\$882,390.00	\$8,823,900.00
ESD - Service Delivery Infrastructure	\$221,492.78	\$221,492.78	\$221,492.78	\$0.00	\$2,436,420.53	\$221,492.77	\$295,323.70	\$2,953,237.00
Sub-total	\$221,492.78	\$221,492.78	\$221,492.78	\$0.00	\$2,436,420.53	\$221,492.77	\$295,323.70	\$2,953,237.00
ESD - Ontario Works Employment Support	\$257,505.00	\$257,505.00	\$257,505.00	\$0.00	\$2,832,555.00	\$257,505.00	\$343,340.00	\$3,433,400.00
Sub-total	\$257,505.00	\$257,505.00	\$257,505.00	\$0.00	\$2,832,555.00	\$257,505.00	\$343,340.00	\$3,433,400.00
AB & ON Daycare (Ontario)	\$870,652.50	\$870,652.50	\$870,652.50	\$0.00	\$9,577,177.50	\$870,652.50	\$1,160,870.00	\$11,608,700.00
Sub-total	\$870,652.50	\$870,652.50	\$870,652.50	\$0.00	\$9,577,177.50	\$870,652.50	\$1,160,870.00	\$11,608,700.00
In Home Care (Homemakers)	\$522,862.50	\$522,862.50	\$522,862.50	\$0.00	\$5,751,487.50	\$522,862.50	\$697,150.00	\$6,971,500.00
Sub-total	\$522,862.50	\$522,862.50	\$522,862.50	\$0.00	\$5,751,487.50	\$522,862.50	\$697,150.00	\$6,971,500.00
CFS Maintenance Foster Homes	\$4,817,302.50	\$4,817,302.50	\$4,817,302.50	\$0.00	\$52,990,327.50	\$4,817,302.50	\$6,423,070.00	\$64,230,700.00
Sub-total	\$4,817,302.50	\$4,817,302.50	\$4,817,302.50	\$0.00	\$52,990,327.50	\$4,817,302.50	\$6,423,070.00	\$64,230,700.00
CFS Operations	\$4,375,756.35	\$4,375,756.35	\$4,375,756.35	\$0.00	\$48,133,319.85	\$4,375,756.35	\$5,834,341.80	\$58,343,418.00
CFS Operations - NOBAR0001	\$0.00	\$0.00	\$0.00	\$0.00	\$5,833,525.12	\$0.00	\$0.00	\$5,833,525.12
Sub-total	\$4,375,756.35	\$4,375,756.35	\$4,375,756.35	\$0.00	\$48,133,319.85	\$4,375,756.35	\$5,834,341.80	\$58,343,418.00
	\$19,447,264.13	\$19,447,264.13	\$19,447,264.13	\$0.00	\$213,919,905.38	\$19,447,264.12	\$25,929,685.50	\$259,296,855.00



Indigenous and
Northern Affairs Canada

Affaires autochtones
et du Nord Canada

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Ontario

Ministry of Children and
Youth Services

Ministère des Services
à l'enfance et à la jeunesse

October 21, 2016

Isadore Day
Ontario Regional Chief
Chiefs of Ontario
111 Peter Street, Suite 804
TORONTO ON M5H 2H1

Dear Chief Day:

Re: Immediate Relief Funding for Child Welfare Prevention in First Nations


Thank you for your letter dated October 13, 2016, regarding the disbursement of Canada's immediate relief funding for prevention activities to First Nation communities in Ontario.

Indigenous and Northern Affairs Canada (INAC) and the Ministry of Children and Youth Services are in agreement with the Chiefs of Ontario about the importance of flowing the \$5.83 million immediately, and agree that the Casino Rama funding model should be used to distribute funding for prevention activities.

The Ministry of Children and Youth Services has agreed to receive the funding from INAC through the 1965 Indian Welfare Agreement, and will use the partnerships of the Ontario Indigenous Children and Youth Strategy to flow the funds. Please find attached an updated spreadsheet with the funding breakdown (see Appendix A). The immediate relief funds are to be used for prevention services and activities as defined by the communities that will support the implementation of Ontario's Indigenous Children and Youth Strategy, including start-up costs for the Family Well-Being Program.

In terms of next steps, INAC will set up a meeting with the identified working group members from the Chiefs of Ontario's Social Services Coordination Unit and the Ministry of Children and Youth Services in the coming weeks as part of the Technical Tripartite Working Group to provide additional details regarding the release of funding, and begin work on funding and program reform options for 2017-2018, including transformation of funding currently provided through the 1965 Indian Welfare Agreement.

Sincerely,


A/ Mauricette Howlett
Regional Director General
Indigenous and Northern Affairs Canada


Darryl Sturtevant
Assistant Deputy Minister
Ontario Ministry of Children and Youth Services

.../2

**Attachment: Application of OFNLP Formula for Distribution of Immediate Relief to
Ontario First Nations, 2016-17**

c.c.: Political Confederacy

**Deputy Grand Chief Denise Stonefish, Chair, Chiefs Committee on Social
Services, Chiefs of Ontario**

**Linda Ense, Director of Social Services, Chiefs of Ontario
Social Services Coordination Unit, Chiefs of Ontario**

Nancy Matthews, Deputy Minister, Ministry of Children and Youth Services

**Sarah Caldwell, Director, Strategic Policy and Aboriginal Relationships Branch,
Ministry of Children and Youth Services**

Margaret Buist, Director General, Children and Families Branch, INAC

APPENDIX A:

Grant Recipient	Total Funding (2016/17)
Association of Iroquois and Allied Indians	\$445,376.77
Grand Council Treaty #3	\$715,787.08
Independent First Nations	\$430,609.61
Nishnawbe Aski Nation	\$1,841,281.82
Union of Ontario Indians	\$1,565,495.00
Mississaugas of the New Credit First Nation	\$53,470.22
Six Nations of the Grand River	\$414,458.35
Stanjikoming	\$20,007.84
Moose Cree	\$85,963.33
Waabigoniiw Saaga'iganiiw Anishinaabeg	\$28,313.79
Bkejwanong Territory	\$89,229.04
Mississauga	\$36,992.53
Atikameksheng Anishnawbek	\$36,023.26
Ojibway Nation of Saugeen #258	\$21,170.97
Chippewas of Mnjikaning	\$45,820.40
TOTAL:	\$5,830,000.01

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ANNEX E
Communiqué en vertu de la
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From: SEFPN-FNCFS (AADNC-AANDC)
To:
CC: Allison.Bond@gov.bc.ca; Anne Scotton; BUNGAYW@gov.ns.ca; BrendaLee.Do...
Date: 10/28/2016 3:56 PM
Subject: FNCFS- LETTER TO AGENCIES- FUNDING FOR NEEDS INFO AND CULTURAL
DEVT- ENGLISH ET FRANCAIS VERSIONS
Attachments: NCR-#9309257-v1-FNCFS- LETTER_TO_AGENCIES-
_FUNDING_FOR_NEEDS_INFO_AND_CULTURAL_DEVT-_ENGLISH_.pdf.PDF; NCR-#9309253-v1-
FNCFS- LETTER_TO_AGENCIES- FUNDING_FOR_NEEDS_INFO_AND_CULTURAL_DEVT-
FRANCAIS.PDF.PDF; NCR-#7906846-v4-JORDAN_S_PRINCIPLE_-
_FOCAL_POINT_CONTACT_LIST_.DOC

Bonjour,

Affaires autochtones et du Nord Canada (AINC) collabore avec ses partenaires en vue de connaître quels changements devraient être apportés pour améliorer le Programme des services à l'enfance et à la famille des Premières Nations.

Dans le cadre de ce processus de mobilisation et de révision, AINC aimerait offrir les deux possibilités de financement suivantes :

- 1) AINC vous invite à présenter de l'information afin de commencer l'analyse de différentes approches de financement qui répondront mieux aux circonstances et aux besoins particuliers des organismes. Un montant de 25 000 \$ est disponible jusqu'à juin 2017.
- 2) Un montant de 75 000 \$ est également à la disposition des organismes pour l'élaboration, la mise à jour et la mise en œuvre de programmes et d'outils culturellement adaptés à vos activités liées à la prestation de services et l'exécution de programmes.

Veuillez lire la lettre ci-jointe pour en savoir plus sur ces possibilités de financement. En plus, vous trouverez ci-joint, pour votre information, une liste des points focaux régionaux et nationaux de Santé Canada et d'Affaires Autochtones et du Nord Canada sur le principe de Jordan.

Nous avons hâte de collaborer avec vous.

Salutations,

Margaret Buist

Good day,

Indigenous and Northern Affairs Canada (INAC) is engaging with its partners to learn what changes should be made to improve the First Nation Child and Family Services Program.

As part of this engagement and reform process INAC would like to offer two funding opportunities.

- 1) INAC invites you to provide information so it can start examining different funding approaches to better meet Agencies' distinct needs and circumstances. \$25K will be available until June 2017.
- 2) Available also is \$75K for Agencies to develop and/or update and implement culturally-based programs and tools for your service and program work.

Please see the enclosed letter to learn more details about these funding opportunities.

In addition, please find attached for your information a list of regional and national focal points from Health Canada and Indigenous and Northern Affairs Canada on Jordan's Principle.

We are looking forward to working with you.

Sincerely,

Margaret Buist

Margaret Buist

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Directrice Générale-Director General

Direction générale de l'Enfance et de la Famille/Children and Families Branch
Affaires Autochtones et du Nord Canada / Indigenous and Northern Affairs Canada
10 Wellington, 22nd Floor / 22e étage
Room 2232 / Pièce 2232
Gatineau, Quebec K1A 0H4
Tel: 819-953-0978
Fax: 819-934-4094
Courriel/E-mail
Margaret.Buist@aadnc-aandc.gc.ca

Health Canada Regional Focal Points / Focaux Régionaux Santé Canada

Atlantic (lead)	Wade Were	Senior Advisor, Policy and Strategic Planning	(902) 426-4968	wade.were@hc-sc.gc.ca
Atlantic (Backup)	Sandra Musgrave	Director, Primary Care	(902) 426-0335	Sandra.musgrave@hc-sc.gc.ca
Québec (lead)	Julia Thibeault	Policy Analyst	(514) 283-1903	julia.thibeault@hc-sc.gc.ca
Québec (Back-up)	Sylvie Aubuchon	Sr. Manager, Policy Development, Planning and Information	(514) 730-0686	Sylvie.aubuchon@hc-sc.gc.ca
Ontario (lead)	Stephanie O'Brien	Senior Policy Advisor	613-415-9423	Stephanie.obrien@canada.ca
Ontario (Backup)	Tracey Clark	Senior Manager, community programs and governance	(613) 952-0142	tracey.clark@hc-sc.gc.ca
Manitoba (support)	Raymond Jolicoeur	Coordinator, Issues and Project management	(204) 983-1012	Raymond.jolicoeur@hc-sc.gc.ca
Manitoba (lead)	Joe Gacheru	HCC coordinator	(204) 983-2213	Joe.gacheru@hc-sc.gc.ca
Manitoba (Back-up)	Carrie Gaskin	NIHB operations manager	(204) 983-5151	Carrie.gaskin@canada.ca
Saskatchewan (lead)	Maureen Sebastian	Manager, Non-Insured Health Benefits	(306) 780-5433	maureen.sebastian@hc-sc.gc.ca
Saskatchewan (Back-up)	Wendy Laxdal	Acting Team Lead Healthy Child Development	306-780-3492	wendy.laxdal@hc-sc.gc.ca
Saskatchewan (2 nd Backup)	Steven Argue	Director, NIHB	(306) 780-5416	Steven.argue@hc-sc.gc.ca
Alberta (Backup)	John Cristescu	Manager, NIHB	(780) 495-6437	John.Cristescu@hc-sc.gc.ca
Alberta (support)	Nathalie Lachance	Director, Policy, Planning, Partnerships Facilitation	(780) 495-2692	Nathalie.lachance@hc-sc.gc.ca
Alberta (support)	Ashlyn Milligan	Policy Analyst		ashlyn.milligan2@canada.ca
Alberta (lead)	Coreen Everington	Director, Health Promotion Disease Prevention	(780) 495-8660	Coreen.everington@hc-sc.gc.ca
British Columbia FNHA	Diana Morgan	Director, Partnership Support & Portfolio Management, Policy Planning and Transformation	(604) 693-3248	Diana.Morgan@fnha.ca
Northern	Cathy Winters	Special Advisor	(613) 818-7651	Cathy.winters@canada.ca

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Health Canada National Office Contact / Contact au bureau National Santé Canada

NCR	Tracey Hazelwood	Senior Policy Analyst	(613) 866-4687	tracey.hazelwood@hc-sc.gc.ca
Indigenous and Northern Affairs Canada Regional Focal Points / Points Focaux Régionaux Affaires Autochtones et du Nord Canada				
Atlantic	Joe Behar	Manager, Social Programs	(902) 669-0359	Joe.Behar@aadnc-aadnc.gc.ca
Atlantic (Back-up)	Adrienne Murray	Administrative Assistant	(902) 661-6346	adrienne.murray@canada.ca
Québec	Veronique Giguere	Senior Advisor	(418) 563-2972	Veronique.Giguere@aadnc-aadnc.gc.ca
Québec (Back-up)	Andréanne Dubé	Senior Advisor	(418) 951-7651	Andreanne.Dube@aadnc-aadnc.gc.ca
Ontario	Elana Pal	Social Programs Officer	(416) 973-1276	Elana.Pal@aadnc-aadnc.gc.ca
Ontario (Back-up)	Taia Tarvainen	A/Social Program Officer	416-952-9593	Taia.Tarvainen@aadnc-aadnc.gc.ca
Ontario (Backup)	Cheryl Kylander	Sr Education Officer	(807) 624-1522	Cheryl.Kylander@aadnc-aadnc.gc.ca
Manitoba	Betty Ann Scott	Intergovernmental Relations Officer	(204) 983-0740	BettyAnn.Scott@aadnc-aadnc.gc.ca
Manitoba (Back-up)	Scott Amos	Social Development Operational Specialist	(204) 471-7703	scott.amos@aadnc-aadnc.gc.ca
Saskatchewan	Randine Akapew	CFS Funding Services Officer	(306) 501-2342	randine.akapew@aadnc-aadnc.gc.ca
Saskatchewan (Back-up)	Kelly Quewezance	Assisted Living Coordinator	(306) 501-2539	kelly.quewezance@aadnc-aadnc.gc.ca
Alberta	Carol Schimanke	Manager, Social Development	(780) 495-2589	Carol.Schimanke@aadnc-aadnc.gc.ca
Alberta (Back-up)	Rachelle Bouchard	Social Development Program Officer	(780) 495-6856 (780) 218-2709	Rachelle.Bouchard@aadnc-aadnc.gc.ca
British Columbia	William McArthur	Manager, Child and Family Services	(604) 666-5185	William.McArthur@aadnc-aadnc.gc.ca
British Columbia (Back-up)	Joseph Damaso	Advisor	(604) 364-3653	Joseph.Damaso@aadnc-aadnc.gc.ca
Yukon	Tammy Bazylynski	Manager	(867) 667-3356	Tammy.Bazylynski@aadnc-aadnc.gc.ca

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Yukon (Back-up)	Anna Klee	Sr. Program Officer	(867) 667-3352	Anna.Klee@aadnc-aadnc.gc.ca
Indigenous and Northern Affairs Canada National Office Contacts / Contacts au bureau National Affaires Autochtones et du Nord Canada				
NCR	Jonathan Riou	Manager	(613) 404-6628	jonathan.riou@aadnc.gc.ca
NCR	Laura Mitchell	Policy Analyst	(819) 639-4124	laura.mitchell@aadnc-aadnc.gc.ca

Last Updated: October 28, 2016

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FIRST NATIONS CHILD AND FAMILY SERVICES

ENGAGEMENT APPROACH

Canada is committed to reforming the First Nations Child and Family Services Program for First Nations children on reserve. We would engage with our partners to design and execute a robust engagement plan that allows us to hear from youth and families, communities, First Nations agencies, leadership, and provinces and the Yukon.

There are a number of processes in place to start the engagement process.

- 1) **Minister's Special Representative (MSR)** - Dr. Cynthia Wesley-Esquimaux has been appointed. The MSR will provide advice on the engagement process, and hold meetings on Program reform ideas. She will visit each region in the country, accompanied by senior INAC officials. Tentatively scheduled visits include:

- Weeks of November 21 and 28, 2016 – British Columbia
- Week of January 16, 2017 – Yukon and Alberta
- Week of February 6, 2017- Ontario
- Week of February 20, 2017 – Atlantic
- Week of March 6 – Saskatchewan and Manitoba

She will hold meetings with key partners during these weeks, and alongside other meeting opportunities up to March 31, 2017.

- 2) **Regional engagement activities** including:

- **surveying all agencies** so that INAC can better understand their unique and individual needs and circumstances
- **Tripartite meetings** with provinces/Yukon to discuss technical issues (e.g., funding calculations)
- funding **Indigenous Regional Organizations** to hold meetings and gather strategic information that can inform the reform process
- meetings with child advocates and other provincial/Yukon stakeholders

- 3) **National engagement activities** including:

- **National Advisory Committee** to provide advice on the engagement process and the reform of the program, involving representatives from the federal government, the Assembly of First Nations, the First Nations Child and Family Caring Society, Agency Directors, and an Elder and youth representative

- a **National Summit on Indigenous Child Welfare**, bringing together key stakeholders, over two days, to hear from youth, service providers, First Nation community representatives, researchers and others to share information about wise practices in prevention, and how best to support children and families (tentatively planned for January 2017)
- a **Federal/Provincial/Territorial working group**, involving senior officials who work on child and family services, to share information and best practices

4) **Communications engagement activities** including:

- **interactive website** on engagement activities as they unfold
- an **online survey** to expand the reach of the process and seek input to guide the reform of the program (tentatively scheduled to be open between December 2016 and February 2017)
- a strong **communications strategy** in order to share information and demonstrate progress as the process proceeds.

5) **Research** activities will address gaps identified throughout the process

6) **Deliverables** would include:

- a. Public summaries of what we heard posted online – report for April 2017
- b. Research reports
- c. Summary of the Summit
- d. Minutes of the National Advisory Committee

AGENDA

September 14th Meeting with Ministerial Special Representative

Room 2223A, 10 Wellington

[In attendance for the AM: Ministerial Special Representative, ADM, MinO Policy Advisor, Director General, Director, National Engagement Team, Manager of Regional Team]

1. Overall Engagement Strategy and Calendar of Events (9:00 – 10:30am)

- Overview of mechanisms planned for national and regional engagement plans
- Key partners to involve in the engagement process
- MSR, ADM and DG roles as well as branch and regional roles in engagement, including upcoming events
- Timing and coordination moving forward

Break (10:30 – 10:45)

2. National Summit (10:45 – 11:30)

- Overall objective and goal of Summit
- When, where and who
- Engagement of partners in the planning
- Role of MSR

3. Federal/Provincial/Territorial (FPT) Working Group (11:30 – 12:00)

- Next meeting of FPT Ministers Responsible for Social Services is Oct 27-28
- Attendance at the meeting
- Focus of Minister's interventions
- Role of the MSR

Lunch (12:00 – 1:00)

[In attendance for the PM: Ministerial Special Representative, DG, Director, Regional Team, Manager of the National Team; note that DG has another meeting at 2:30]

4. National Advisory Committee (1:00 – 1:45)

- Terms of Reference
- Timing and agenda of first meeting

5. Regional Engagement (1:45 – 3:00)

- Update on regional plans and structures for engagement
- Role of MSR and DG in regional engagement processes
- Ensuring a broad range of regional voices are heard as part of these processes
- Ensuring regional and national processes are in sync and will lead to a cohesive “report” or summary of perspectives to inform reform options

Break (3:00 – 3:15)

6. Communicating Engagement Plan and Process for Reform (3:15 – 3:45)

Items for discussion

- Strategies to increase profile and reach of engagement strategy, and reach youth, parents and other groups who may not be reached through current engagement plans
 - Website; Online survey?
- Need for a proactive, positive and constructive storyline about moving forward

7. Other (3:45 – 4:15)

- Research plans
- Discussion of national standards/principles
- Discussing results we want to achieve through the reform process (keeping how we will assess and measure progress at the forefront)

AGENDA

September 15th Meeting with Ministerial Special Representative

Room 2223A, 10 Wellington

9:15 to 10:00	Communications <i>Items for discussion</i> <ul style="list-style-type: none">▪ Announcement of the MSR▪ Strategies to increase profile and reach of engagement strategy, and reach youth, parents and other groups who may not be reached through current engagement plans▪ Website; Online survey?▪ Need for a proactive, positive and constructive storyline about moving forward
10:00 to 10:30	Finalize contract
10:30 to 10:45	Break
10:45 to 11:15	Follow-ups from yesterday
11:15 to 12:00	Calendar

Agenda
Ontario Ministry of Aboriginal Affairs – Indigenous and Northern Affairs Canada
May 5, 2016 9 am to 12 pm
Location: Gathering Room, Ministry of Aboriginal Affairs

Agenda

1. Updates– all

a. Federal Updates

- i. UN Declaration on Indigenous Rights
- ii. Nation to Nation Relationship - INAC Correspondence to COO
- iii. First Nation Fiscal Arrangements Consultation
- iv. Winter Roads/ All Season Roads

b. Ontario Updates

- i. Release of the Long-term Strategy to End Violence Against Women
- ii. Missing and Murdered Indigenous Women – pan-Canadian public awareness connected to the National Roundtable
- iii. Truth and Reconciliation Commission
- iv. First Nations Health Accord
- v. Housing on-reserve
- vi. Remote Electrification
- vii. 7 Youth Inquest

2. INAC Ontario Region / MAA – Opportunities for Collaboration 2016

- a. Human Rights Tribunal on Child Welfare/ Indian Welfare Agreement
- b. Social Emergencies
- c. Urban Aboriginal Action Plan (MAA) / Urban Aboriginal Strategy (INAC)

3. Draft Workplan

**INAC Director of Education and Social Programs Directorate, Ontario
Region, meeting with Province of Ontario's DMs
May 25, 2016**

AGENDA

1. "Immediate relief" Investments in First Nation Prevention Services in Ontario and Next Steps for Tripartite Engagement
2. Review of 1965 Agreement
3. Questions and Answers

**MEETING WITH CHIEFS OF ONTARIO
TORONTO, ONTARIO
MAY 31, 2016, 1:00 P.M. TO 2:00 P.M.**

AGENDA

1. Summer Student Funding
2. Tri-partite process in Ontario
3. All Ontario Chiefs Conference
4. Education/Path Forward Proposal
5. Aboriginal Representative Organization Funding

**MEETING WITH MOHAWKS OF THE BAY OF QUINTE FIRST NATION
FRIDAY, JULY 15, 2016 AT 2:00 PM**

AGENDA

1. Large Band Funding
2. Budget 2016 Social Funding for Large First Nations
3. Budget 2016 Fire Protection Funding
4. Budget 2016 Infrastructure Funding for Large First Nations
5. Lack of Access to Post-Secondary Education Funding
6. Other

Meeting Notes

Immediate Relief Funding for First Nations Child and Family Services in Ontario

September 22, 2016

INAC Ontario Regional Office, Toronto

Participants:

INAC

Ontario Province

Chiefs of Ontario

Opening remarks:

INAC welcomed COO and Ontario officials and spoke of Canada's commitment to work together on a way forward on program reform for First Nations Child and Family Services. INAC noted that the purpose of the meeting was to discuss how to flow Canada's Budget 2016 funding for First Nations Child and Family Services immediate relief as quickly as possible. \$5.8 million in additional funding is available in 2016-2017 to be used for prevention services benefitting First Nation children and families.

COO emphasized First Nation responsibility and jurisdiction for children and their well-being. COO noted Ontario's partnership to acknowledge First Nation jurisdiction. Ontario officials spoke of the work with Indigenous partners since 2013 to co-develop the Ontario Indigenous Children and Youth Strategy. As part of the first steps in co-implementation there is work underway to propose changes to the *Child and Family Services Act* and the new Family Well-being program that is an \$80M investment over the next three years to address the link between violence against Indigenous women and girls and the over-representation in child protection.

Ontario further noted the investments made in spring 2016 as part of the province's response to the Truth and Reconciliation Commission and to address health outcomes; this includes programming such as youth culture camps, language programs, and mental health workers in schools.

Ontario expressed its commitment to working collaboratively with First Nations and Canada, and to find an expeditious way to flow the prevention funds in 2016-17, but that reforms will need to include a re-examination of how funding flows through current arrangements. Canada was encouraged to use the co-developed framework of the Ontario Indigenous Children and Youth Strategy as the lens for both program and funding reforms in the province.

Topics discussed:

1. Flowing the \$5.8 million as soon as possible this year to prevention activities to support First Nations children on reserve. Discussion focused on the most expeditious mechanism to flow this year's additional funding for prevention, either through the Ontario 1965 Agreement or through other mechanisms.

2. Potential funding needs suggested by Ontario and/or COO included:

- Additional needs identified by First Nations as they submit their program models in fall 2016 for the Family Well-being program; INAC funding could help to address safe space development, programming, workers, capacity, training and start-up of the new program;
- A transformed approach to support effective First Nation representation in child welfare matters, including a redesign of the former Band Representative program to include repatriation (including possible study of what would be needed in the new program) (First Nations are incurring costs to perform their duties as Band Representatives, without a funding program);
- Mental health programs;
- Transportation to access services (particularly special needs, rehabilitation, respite); and
- Need for a Remoteness factor to address the exceptional needs in northern remote communities to enhance family well-being, through new programs including land-based healing.

3. The context that choices around short-term decisions related to prevention funding sets for medium and long-term program reform.

Considerations:

I

NAC reiterated that the prevention funding must be directed at activities that all parties agree constitute prevention for First Nations children on reserve.

INAC indicated other projects or considerations related to ongoing needs of First Nations could be discussed and considered during program reforms. INAC will make funding available for engagement in program reform discussions that is separate from the \$5.8M in prevention funds.

INAC recognizes the investments that have been made by the province, including the Family Well-being program, and does not have any expectation that Ontario would need to access additional funding to account for the 7% cost-share in the IWA. INAC is willing to discuss other conditions on funding that flows through the IWA as part of the proposed working group.

COO emphasized the importance of flowing the funding immediately, and asked about the ability for recipients to carry forward unexpended funds without recovery by INAC. Provincial officials noted the administrative burden on the Province of using the 1965 Agreement to flow the funds.

However, as an interim measure, and on the understanding that all parties will be working together on new program approaches and reforms, the Province is willing to look at utilizing the Indian Welfare Services (1965) Agreement to flow funds to prevention programs for First Nation children and families. INAC committed to review the Agreement for First Nations Child and Family Services going forward.

INAC expressed that from its perspective using the existing 1965 Agreement is likely the most effective way for funding to flow for needed programs and services. However, if Ontario considers that a separate agreement with the Province or directly with First Nations

outside of the 1965 Agreement would expedite funding, INAC is prepared to consider that. INAC noted that the main condition on the funding is that it be used for prevention programs. Across Canada, program funding flows to provincially-delegated authorities and in Ontario, funds flow through the province.

INAC asked COO and Ontario for information on how the Indigenous Representative Organizations (Provincial Territorial Organizations) and First Nation agencies will be involved with this process.

COO responded that it would coordinate with First Nations, and that First Nations agencies through their Boards are connected to PTOs.

Next steps:

All will submit names and dates for a meeting of a technical working group to work together to expedite the funding process, and to build on the discussion on reform. The first meeting will be convened at the Chiefs of Ontario's office shortly thereafter. INAC is willing to support the working group process.

The technical working group will bring back options for both how the funding will flow, to whom and for what kinds of prevention services.

AGENDA

First Nations CFS Regional Advisory Committee Meeting

Southern First Nations Network of Care Office

Friday, February 12, 2016

9:30am to 4:00pm

9:30 **Opening Prayer and Introductions**

9:40 **Review and Approve Agenda**
Review and Approve Meeting Minutes
• June 30, 2015

10:00 **Updates:**
• Federal and Provincial Program updates if any
• Strategic Service Plan Reporting and Reviews

10:30 **Health Break**

10:45 **RAC Budget**
• 2015/16 FNCFS RAC proposed budget and meetings plan
• 2016/17 FNCFS RAC budget
• Review and update RAC Work Plan
• Develop agenda for North/South all agency meeting by RAC in March

12:00 **Lunch Break**

1:00 – 3:30 **Child Maintenance Working Group Budget**
• Child Maintenance Billings Working Group meetings on Feb 17 & 18 and
Mar 15, 2016
• Selection of Facilitator

2:15 **Health Break**

3:30 **Implementation of TRC Recommendations**
• Child Welfare, Recommendations 1-5
• Canadian Human Rights Tribunal Decision FN CF Caring Society
• Bringing our Children Home

4:00 **Next Meeting Dates (Quarterly)**

Meeting Materials:

- North/South Minutes, March 17 & 18, 2015
- RAC Budgets

**FIRST NATIONS CFS REGIONAL ADVISORY COMMITTEE MEETING
SOUTHERN FIRST NATIONS NETWORK OF CARE
2ND Floor, 630 Kernaghan Avenue
Winnipeg, MB R2C 5G1**

**MINUTES
Friday, February 12, 2016**

Meeting started at 9: 45 am

Chair: [REDACTED]

Attendees:

[REDACTED] SFNNC	[REDACTED] AANDC
[REDACTED] SFNNC	[REDACTED] SECFS
[REDACTED] SFNNC	[REDACTED] AANDC
[REDACTED] NCN	[REDACTED] WRCFS
[REDACTED] SBCFS	[REDACTED] SECFS
[REDACTED] NA	[REDACTED] Province
[REDACTED] Province	[REDACTED] AMC
[REDACTED] Province	[REDACTED] Admin Support, SFNNC

Regrets:

[REDACTED] NA Rep	[REDACTED] Province
[REDACTED] WRCFS	

Opening Prayer and Introductions:

Opening prayer by [REDACTED] and introductions were completed.

Review and Approve Agenda:

The Agenda was reviewed and accepted with these changes:

These items are being moved in the Agenda:

- The structure for all meetings in March
- Updates will be done later in the meeting
- Added to the Agenda will be the MGEU Agreements increases to Provincial funding, a discussion on what the plan will be for this.

Review Minutes from Meeting Minutes from June 30, 2015

- If there any changes to the minutes of June 30, 2015, they can be sent to [REDACTED]
- If there any changes or suggestions to the minutes from last March, they can be sent to [REDACTED] within two weeks.

Regional Advisory Council Budget:

- The 2015/16 Proposal and Budget Meeting plan has been submitted and technically approved.
- The 30,000 of funding in 2015/16 covers costs for February 17-18 meetings regarding changes to provincial maintenance billings and the three day meetings being held in March 2016.
- The new Funding Model Group quit meeting for a while and felt it was important to start up again, as a lot of efforts were put into deciding on what the funding priorities were. The Provincial government realized the processing of Child Maintenance Billing issues and things needing to be approved. They approached Authorities to have a one day session to talk about the plan with changes and feedback. They want to change how they do Child Maintenance Billings. The documentation is becoming a burden, submitting bills and some getting paid as most of it should come back and they would flag things in the system that needs supporting documentation similar to INAC. They wanted a one day meeting with two working groups for February 17 and March 15. The North and South meeting is scheduled for March 15-16, 2016.
- The first day of meeting all Authorities will come together. There are agendas for both days with set topics to talk about improvements to the child maintenance billing system with a facilitator. The Provincial Government will be present and suggestion is to have [REDACTED] do the opening remarks. There would be a working group and the government would be presenting.
- For the Feb 17-18, there would be a Facilitator on the second day to help with the discussions and a report will be presented in March at the North and South meeting. There will be a service person and finance representative from each agency to have their input and findings from those days of meetings.
- An agenda has to be made for the third day and outcomes will be presented from those meetings.
- There are certain portions of funding for RAC and money from the Province. On the proposal INAC will fund an amount of \$12,270 for meetings on these days: February 17-18 and for the March 15th meeting.
- The Province will fund \$15,000 to cover accommodations and any additional amounts will be funded by SFNNC. [REDACTED] has committed to funding the above portion. The Northern Authority will say it will help pick up our costs. The total budget for the 3 days is 31,000. This is a Federal, Provincial, SFNNC and NA initiative.
- To summarize on the RAC proposal there will be a portion to cover RAC and this needs to be reflected in the minutes and that everyone agrees.
- There was question on how agencies are being funded because of numbers gone down. It was requested to put on the Agenda for March on how agencies are funded. There has been a Funding Model Working Group for 2016/17. There were no concerns on the budget that was proposed and it was moved that the RAC proposal be accepted for the 2015/16 with shared funding from the Province.
- There will be a presentation of the report documenting outcomes and things needed to be considered will be incorporated into the report. There will be some feedback on how this will work with IRAP, training and what this could look like.

2016/17 FNCFS RAC BUDGET

- It was noted that another \$30,000 for RAC that should be considered with the National Advisory Committee. There may be direction to revisit the Terms of References for RAC but no decision as yet and if there are no objections the question is do we move forward pending any further direction from a Regional Advisory. The review of the Terms of Reference should be looked at once a year. The last meeting held was in June 2015 and we need to get back on track this year.
- There was question if the budget for \$30,000 could be approved at the March meeting and could a meeting be held in May regarding the budget. The question is could the budget be approved if received in April.
- Noted is that this is an important forum and we would like to have counterparts at the table, AMC's participation to be part of the forum is important. Noted that every effort has been made to AMC on behalf of RAC to participate. We plan to send letters to MKO and SCO requesting their attendance at RAC meetings.
- As a committee we should be looking at what successes we have had. It has been noted that RAC has lost momentum and the track record has not overly been successful. After examining the results we need to ask ourselves why are we going backwards. A lot of work has been done on the funding model and other areas. The Treasury Board process is not working. We need to take a look at what is not working and what progress has been made. As a working group we lack the political authority to make the changes, that RAC is only an advisory group. The Terms of Reference need to be looked at from the Regional perspective, to look at the changes that have been made and the work that is important.
- With regard to the Funding Model Working Group, there have been revisions to the Strategic Plan. There were a lot of positive changes for agencies to know. There has been some success with Customary Care. Some changes were made in rolling out the Authority activity based on reviews with Agencies. The response is that there has been success with the Province in changing their process in administrative deficiencies and how this changes at the agencies. There are a lot of unknowns happening both Federally and Provincially.
- The work plan for RAC will be updated and added to the Agenda for the March meeting.

Health Break: Meeting resumed at 11:05

A warm welcome to [REDACTED] with introductions from everyone around table.

Discussion for developing Agenda for March North/South meeting and Information sent out:

- An Agenda needs to be developed for the North/South meeting being held in March to include a theme, as well as what RAC should be discussing about it, (i.e. the funding direction, the policy issues, securing money and the Working Group).

- [REDACTED] said he was glad to be in attendance and represent AMC.
- [REDACTED] commented that from a tripartite and technical perspective and for the representatives at this table that it is a good opportunity for AMC to come together with these representatives to be hosting a gathering for all agencies. In the spirit of reconciliation these parties need to be here. AMC should be included with any negotiations between the Province of Manitoba and the Government of Canada. He felt it was important for him to be here from a technical perspective. He commented that we need to be able to move forward as a political organization on a Tripartite basis. He stated he was speaking only on behalf of AMC and not for MKO or SCO.
- There was discussion on revisiting the Terms of Reference with reps from AMC, MKO, SCO and having a decisive work plan for 2016/17. [REDACTED] points will help in developing the agenda for the North/South meeting for the March meeting. [REDACTED] stated is he was not aware of any discussions between the Province of Manitoba and the Government of Canada taking place.
- In the past, the North/South meetings normally involved technical issues including special initiatives. The meetings usually had opening remarks from First Nation Leadership (AMC, MKO and SCO).
- [REDACTED] inquired as to whether there are ongoing funding negotiations between the Province of Manitoba and the Government of Canada that AMC was not aware of. [REDACTED] commented that AMC does not support any secret meetings as above without AMC participation. The response was that there had been a Federal/Provincial/Territorial meeting in Edmonton, however, [REDACTED] stated she was not aware of any funding discussions. She stated that the meeting was to discuss prevention issues.
- There was a comment made that in 2008 where AMC was at that table at the time, to create the funding model was a long drawn out process and some of the history was lost. Now that RAC has a Funding Model Working Group, created in 2010 for a five year commitment, this now has to be revisited to see what work has been done during those five years. Due to the Federal election there were still some funding inequities related to travel and other issues that need to be addressed.
- A (save the date) was sent out and included reps from agencies. It was noted that the cost will be covered from the RAC budget and invites will be sent to AMC, MKO and SCO. The Federal and Provincial government representatives will provide updates on the latest developments in funding models.
- The Grand Chief attended last year and the theme was resource development. There was very good attendance and agencies presented various innovative programs that could be utilized by other agencies.
- The other issues discussed were the future direction of the system from Agencies and political organization perspectives.
- This table is not just about funding but about policy and what can be done with the funding. It is hoped that there will be policy changes which will enable agencies to be creative and innovative.

- There was question if this three day meeting be a (game changer) not only for funding but for policy development.
- There was a suggestion to update the workplan considering the success and failure factors and identify any barriers.
- Another item that could be added to the agenda is the future direction of Child Welfare System and soliciting feedback. This could be for discussion as opposed to five or six people influencing what the items are in prioritizing the funding formula and how it will impact Agencies.
- The Metis will be invited to the two day meeting in February and March 15-17. There is a working group that involves the Metis and GA and it is felt that everyone is on board.
- As for the funding model, some of the discussions were specific and it was also important to everyone that there is equitable funding. As a political organization you need to know we are all working together to provide good service for families. We need to look at Customary Care from a Provincial level and what it means and what the Province is doing on that. We need to look at First Nations issues as a group.
- There was comment that a lot of things will be said in the media that we can't control and it is good for the Authorities and Agencies to be at this table. We need to find something that is meaningful and work together as opposed to Canada and Manitoba setting the table.

Back to the Agenda

- An Agenda for March 15-17, 2016 will be established and put forward.
- There was suggestion to have the Tribunal on the Government's response and other peoples comments.
- Have representation from the Government.
- Direction was set by [REDACTED] group and from a Manitoba perspective on some considerations on how to move forward.
- If someone from the TRC or if a policy needs to be discussed it will be open for discussion.
- Formal Invites will be sent to Grand Chiefs, Leadership and all organizations for opening remarks.
- Officials from RAC will set the tone and the agenda items for RAC.

Lunch, resume at 1:00 pm

Resume at 12:55

[REDACTED] and [REDACTED] have left for the pm

Canadian Human Rights Tribunal Decision and First Nation Caring Society

- It was suggested that information from the Tribunal be a separate item for the agenda and if there will be any other information or meetings to identify those as well.
- There will be an update from RAC by [REDACTED] on the second day.

- Last year [REDACTED] did the opening remarks and this year [REDACTED] will provide opening remarks regarding the minutes of last year meeting.
- It was felt that updates were important and giving five minutes for the opening and updates. Everyone who is presenting in the designated time slot must be there to do their presentation otherwise forfeit their time slot.
- It was noted from last year that we cannot direct a Leader on what to talk about in their remarks.
- The questions or discussions didn't always match the agenda items.
- Last year [REDACTED] presented on CURAM.

Bringing Our Children Home

- Another agenda item would be an "Update on Bringing our Children Home", resource development and what is fundamental for Customary Care. This would involve discussion on the development of a model to see what it would look like for Manitoba and how AMC would be involved.
- Agencies would be interested in knowing what Customary Care is from a Provincial point of view.
- Everyone is interested in what communities are doing and having more culturally appropriate services if information was available that could be presented. Any Federal and Provincial government priorities related to Customary Care would be presented. Noted that in the Tribunal and findings that this is the theme and having more cultural services.
- There was discussion on AMC's ability to present on the Bringing our Children Home report and working with child welfare agencies. The Chiefs have been clear on their position from an AMC perspective and the Chiefs have spelled out the mandate for AMC to propose on how to all work together.
- The theme could be "Stronger Communities Working Together".
- There was question if a task force presentation could be done jointly with AMC, SCO, and MKO as the current system needs to be improved. The Chiefs have given the mandate to bring our children home.
- The question is how do we keep our children home and keep them from coming into care is a common issue across the board. Keeping our children in the home is difficult due to limited resources for families to deal with poverty, addictions and bussing. How do we successfully balance protection and prevention services and how do we educate our young moms in accessing their services.
- Agencies have delivered services with unique ideas and they need to be heard. RAC needs to decide what kind of information that should go back.
- The theme focus for Customary Care is seen as a response to many things such as bringing our children home and bring back the heritage.
- People want to know what are the policy development requirements to be worked on and what is working for Customary Care and the needs for each community.

- It was commented that Customary Care is a stepping stone to another level and in determining when does the child welfare take over and when is intervention required. The Chief and Council have been taken out of the picture and how do we go back to that concept "how does it take a community to raise a child and what role does CFS have?" This would be a very positive discussion with knowledgeable feedback from stakeholders.
- It was suggested to have breakout sessions to decide Customary Care and put on flip charts what could be and what it means for the Agenda on Day 2 and what is the role.
- The presentation of information noted with questions and break out for each group would be present and what actions are going to be taken. If we are proposing a large portion of the meeting to Customary Care then how much time should we allocate to Customary Care and who would be doing the presentations.
- Agencies need to inform this group what their priorities are as some things have been funded in the last few years i.e. The Circle of Care project at Sagkeeng CFS. Other agencies should know about the Sagkeeng Circle of Care and related projects.
- There are challenges that agencies are facing such as suicide, addictions and mental health and so the challenge is getting services for those issues.
- Another item agenda topic for discussion could be a treatment facility and four bed units for kids. As there was question if agencies had treatment as part of their service delivery.
- The question is could the funding model be revisited and potential changes be identified. The response was yes.
- There was suggestion to have the Funding Model added to the agenda. The focus could be from AMC perspective with a very firm belief that service should dictate funding and what is important for kids and families.
- Noted is that on the first day of meeting "Child Maintenance" will be on the Agenda.
- There was suggestion to have AMC chair the meeting and have a proposal.
- The two day meeting should be about understanding legislation, Customary Care and discussion from a First Nations perspective.

Child Welfare, Recommendations 1-5

- Noted is that recommendations from the funding model have not been implemented from a political point of view.
- It was suggested to have "The MB Framework Act" added to the Agenda.
- The Province noted that in the past year and a half guidelines have been rewritten, cultural services for kids, elders, and increase in home visits to bring children home and restore connection. The Provincial government needs to be involved in discussions concerning the Canadian Human Rights decision and in "Bringing our Children Home".
- There is the question of what the future direction of child welfare is and for those living on and off reserve.
- Another item suggestion for the Agenda could be "What is the future of devolution" to discuss what's been happening, the divisions that are happening and what agencies have been through.

- Suggestion for the theme of the meeting could be "Back to the Future" going forward together.
- Noted that a report from the Funding Group Model Working Group would be added to the Agenda.
- Noted is that RAC didn't meet very often in the past and the funding model work group was under the 2010 funding model. It looked at variables within the model that needed to be addressed. The Tribunal indicated that the funding model was discriminatory. Prevention is the focus is on funding for the Manitoba funding model. Rather than just presenting the same list every year that, there is now a political climate to do a major over haul of the funding model. We would look at how much discussion will take place from now and highlight where we want to go. RAC would incorporate into their ongoing work plan for 2016/17 as information becomes available.
- The meeting in March will give more direction and steps of action.
- There was a question for the new funding formula to get the information from everyone else and work from that, show that this is our current and what we have analysed in the past. We now have an opportunity to look at what we can do with every discussion item.
- We will get copy of the template and make it a part of the package and [REDACTED] has documents.
- Noted on the Terms of Reference for RAC that it was last revised in 2014 and should include the workplan.
- There was suggestion to have a meeting package for all those attending the meeting.
- There was suggestion to request from AMC to give opening remarks and request for [REDACTED] to come for both days as part of RAC.
- ACTION: [REDACTED] will send [REDACTED] the "Save to Date" for the meeting.

Selection of Facilitator

- There was an update regarding the "Selection of Facilitator" and to date there has been a response from [REDACTED] from Little Black Bear and [REDACTED] from Indigenous Film Institute. Noted is that [REDACTED] from AMIK declined.

Updates:

The MGEU Collective Agreement:

- Everyone has been asking if the retroactive has been approved and paid out.
- There was question if we can communicate to people on what they would expect. [REDACTED] provided some information and noted that it is important to have that update here.
- It was noted that for everything going forward it is in the internal process. Estimates were done last September for 2016/17 and the numbers go to Treasury for the budget and there was no agreement. The Collective Agreement has to be dealt separately in a Treasury Board Submission. So Provincially it is in a state of moratorium because of the election. Everyone will be kept informed. There is speculation that we will see new salary scales by end of March. Unless something changed then the expectation of non-government agencies and authorities

would see increase in 2016/17. There is some uncertainty and it might be a while before we see and it also takes time to update.

Strategic Service Plan Reporting and Reviews: (Discussion on the SSP & Reviews)

- This year there joint meetings with North and South which was the first year using revised templates.
- WRCFS got the revised template for 2014/15, they revised it again with update and collapsed it.
- Noted that there is still some confusion on what the plan and work plan is and this frustrates agencies.
- It was suggested that the Template be worked on collaboratively and changed to fit budget as financials are needed.
- It was also noted that a requirement of a variation of the Template would include Customary Care just as a pilot for agencies by April 1st. A list could be made before finalizing and making sure items are addressed for the strategies.
- A cheat sheet could be prepared, eg. For hotel reduction strategy, children in care and resource for foster care.
- Noted is that some communities are ready for Customary Care once legislation is passed and once passed they will proceed with it.
- There was question on what Global funding would have to offer and that this could be discussed at the meetings.
- Noted that for the Strategic Service Plan Reporting that agencies could do but if they don't have staff then there is no plan.
- It was suggested to put it out there as is with changed dates and [REDACTED] would send out the date changes with the Templates. Any edits to the SSP reporting template would look at the 2016/17 adjustments to be more efficient for agencies.
- It was suggested to do quickly and talk about it at the March meeting and include on the Agenda.
- One other issue is "clawbacks" in trying to go forward with the TRC realities and how it impacts agencies.
- Noted is that AMC wants to work with agencies, an open letter was received from the Federal Minister in being involved with provincial funding and NCN clawback. They were sent to the Authorities and shared at Agency Relations which was not included in packages and these will be sent electronically.

Interprovincial Funding:

- CSA has nothing to do with increases in funding for agencies that has been brought forward to the Province.
- The reduction in case load is a separate item that would result in decrease for funding which is a major issue. For the SFNNC, the protection numbers go down and kids in care numbers are

going higher. If you decrease case load, funding gets cut and this a problem. Funding is based on case load.

- The Province is trying to come up with solutions and options and everyone needs to be at that table.
- There was the question if government CFS agencies succeed with reducing caseloads will there then be a guarantee of no layoffs?
- It was agreed that an Agenda will be put together for the North and South meeting and sent out.
- It was noted that for RAC activities for 2016/17 that there may a March meeting and a mid May meeting. A Doodle notice will be sent out for potential available dates.
- It was suggested that the first Monday of the quarter so we know meetings are happening and there is better turnout.
- An email will be sent out to see who the official reps are for RAC.
- Letters will be sent out to AMC, SCO and MKO and the dates will be changed on the letters and on behalf of RAC.

The meeting was called to adjournment at 4:15 pm

FIRST NATIONS CHILD AND FAMILY SERVICES REGIONAL MEETING
North/South Meeting
Hosted by: Southern First Nations Network of Care (SFNNC)
March 16 & 17, 2016
Canad Inn (Blue Lagoon Room) Club Regent Winnipeg, Manitoba
MINUTES

DAY 1 – March 16, 2016:

1. **Welcome Comments** by Master of Ceremonies, [REDACTED] Communications Specialist from Southern First Nations Network of Care (SFNNC) welcomed everyone to the meeting. Meeting commenced at 9:00 am. Opening prayer by Elder [REDACTED]
2. **Opening Remarks/Program Updates**
 - a. [REDACTED] CEO - Southern First Nations Network of Care (SFNNC)
 - [REDACTED] welcomed everyone to the gathering and acknowledged both prayer and song.
 - [REDACTED] welcomed the Chiefs attending and the representatives from the Assembly of Manitoba Chiefs (AMC), Manitoba Keewatinawi Okimakanak (MKO), the Provincial government, and staff from all agencies.
 - She explained that the discussions from this North/South gathering will help carry us through the year and develop working partnerships.
 - She further explained that the Human Rights Tribunal will be an important topic of discussion at this meeting.
 - b. [REDACTED] Designate – Special Projects Unit Manager, Northern Authority (NA)
 - On behalf of [REDACTED] of the Northern Authority, [REDACTED] welcomed all in attendance to the gathering. He also thanked Elder [REDACTED] for the opening prayer and comments. [REDACTED] commended the planning committee and welcomed [REDACTED] as the newly appointed CEO to the Southern Authority.
 - [REDACTED] explained that this theme is relevant: 'Stronger Communities Working Together'.
 - The Northern Authority and agencies have been working together and recognized the other Authorities who have helped out with the crisis and noted that there has been a lot of support coming from other agencies as well.
 - He commented that this gathering provides a chance to exchange ideas.
 - He commented on the response that was released by [REDACTED] on the Human Rights Tribunal. He indicated that we must move forward and continue with progress.
 - Lastly, he extended a warm welcome to those who have travelled here and wished everyone a safe journey home.
 - c. **Grand Chief** [REDACTED] – Southern Chiefs Organization (SCO)
 - Grand Chief [REDACTED] noted that it's important to keep in mind that those who are in the system know why we are here.
 - He commented that CFS has become an industry based on the misery of our children.

- The Harper government spent \$5.3 million to try and stop the Tribunal. The government has been found guilty by its own Tribunal on Human rights violations. There were volumes and volumes of evidence.
- There were 50% of inmates in jail in 1991 who were First Nation (FN). Today it is 71% and this is coming from children in care. He discussed the cost of putting an inmate in jail and explained that money would be better spent on Prevention and Education as opposed to incarceration.
- At one time the only authority was the Province. Chiefs are now going to make the decisions regarding their children. Social workers need to stand up and say that the CFS system is wrong.
- Only 30% of First Nations students are graduating and 40% of students are graduating overall.
- [REDACTED] commented that customary care cannot be the end to an all solution but at least it is the step in the right direction and [REDACTED] is off to the right start.
- He explained the definition of genocide and condemned what it is.
- Social workers are being scrutinized and they are being told what they can and can't do. He noted that children have to have rights as he feels they do not have rights. He asked the questions "What is important and where do we go?" There has been 6 billion dollars spent on Child Maintenance.
- [REDACTED] explained that there is a long ways to go but we won't sit back be a part of a system that thrives on misery. He said that there needs to be investments in urban reserves for the future.
- He stressed that we need to focus on Prevention and education. There are many resources that come from the north. Example; electricity – power in the north.

d. [REDACTED] – Grand Chief of Manitoba Keewatinawi Okimakanak (MKO)

- [REDACTED] explained that she was coming to the meeting with a heavy heart. She received a message from an Elder and this message was to come together and work as a nation to make things better, we need to push for better.
- She commented that she has been involved with the CFS system, went to many meetings and talked to Chief [REDACTED] who is passionate about this file.
- She explained that she has much learning and catching up to do but believes that CFS does not improve the lives of children. She noted that 80% have fallen victim to Missing and Murdered Indigenous Women (MMIW).
- She commented that customary care goes more beyond that and all healing centers should have these models where families can be taken to.
- She explained that she is learning about the work that everyone does and is getting into it deeper.
- She stressed that we have to be responsible with what we have. Example, with the resources and practicing good governance.
- She questioned: "Are we being responsible with the material we have to build our homes?" We need to start educating people about what we need, and let people become more aware of the issues.
- Further, we need to make changes and influence in order to make it better for our communities.

e. [REDACTED] – Director of Housing, Aboriginal Affairs and Northern Development (AANDC)

- [REDACTED] explained that AANDC is committed to working with everyone to strengthen resilience.

- At the recent Chiefs Assembly, Indian Affairs Minister Bennett explained that we have to begin and get support for the CFS system. The current system is not providing enough adequate resources.
- [REDACTED] explained that the Government approach is to seek out ideas and work together with partners, communities, provinces and territorial provinces. He stressed working together at all levels in order to make long term progress.
- [REDACTED] thanked the Regional Advisory Committee and Southern First Nations Network of Care (SFNNC) for coordinating the event. Lastly he explained how important it is to work together and to provide leadership in order to improve communities.

f. [REDACTED] – Assistant Deputy Minister, CFS Services Division, Province of Manitoba

- [REDACTED] stated that this was her first North/South meeting.
- She explained that it is important we work together to affect change. We need to create more open partnerships with regards to customary care. There needs to be a true partnership.
- She noted that in order to continue to do that, elements within the system need to change. Example: the Child Maintenance billing system, policy change, and legislative framework. All of these need change and work.

Health Break

3. Human Rights Tribunal Decision/Truth and Reconciliation Commission Recommendations

Update from First Nations Caring Society – [REDACTED] (Presentation Attached)

- [REDACTED] thanked Elder [REDACTED] introduced herself and explained what her role is with the First Nations Caring Society.
- She shared that she was a witness for the Tribunal for Ontario and that this experience changed her life. She was a witness to get the message across about the inequalities First Nations people face with the government.
- That more funding, Prevention and more mental health services are needed on reserve. These are needed in order to help kids on reserve be with their families.
- The outcome of the Tribunal is that it heard the impact, pain and suffering imposed on First Nations people.
- She explained that there is now hope that things are changing for communities because of customary care and services are changing.

First Nation Caring Society:

- In three stages.
 - o Immediate Relief Recommendations.
 - o Jordan's Principle.
 - o Ontario; Recommendations a review of the 65 agreement to ensure a full range of statutory services. Ontario Prevention services have remained the same.
- APTN – 30, 000 of tapes to transfer to a Tribunal hearing.
- Application for new Agencies.
- Canadian Incidence Study.
- New Funding – can't shuffle or relocate from other First Nations programs.
- INAC's Initial response to immediate relief reforms.

- Next steps – view submissions on website, write to leaders, the Prime Minister, the press and the Federal Government.
- All parties have signed immediate relief. AANDC is open to some forms of immediate relief.
- As of March 15, there is an opportunity to respond to the AANDC position. All submissions have gone in.
- [REDACTED] sent a letter to clarify (letter of clarity).
- Noted is that the sky is the limit as to what we can do with children and families. The ruling allows you to dream big and if we want children back then what services are needed and the types of Prevention.
- What other supporting services besides CFS are out there for housing and what is need in the community to make dreams happen in terms of resources so that our families don't have to move out of the community to access services.
- For mental health services, families have to come out of the community in order to access services.
- Advocating for First Nations sovereignty and how do we make this happen on a First Nations level?

[REDACTED] Presentation – Update FNCIS-SFNNC: (Presentation Attached)

- There is a First Nations component. [REDACTED] is a member of the Steering Committee.
- The First Nations research focuses on the conditions of children and the work that needs to be done.
- The data collected will be used and put forward to policy makers. The First Nations component is a chapter of the larger scale and the consequence would be funding cut offs.
- On the Canadian Incidence Report Study/Child Abuse and Neglect the over representation starts at point of first contact. Poverty and neglect. The results of study is provided.
- The 2018 study is being developed by a First Nations Advisory Committee. They are still seeking funding.
- The goal is to move study to report nationally and have own sector report and planning a First Nations study.
- [REDACTED] mentioned she would like to follow up with northern agencies to have representation on the Steering Committee.
- The Lead researcher is committed to developing this study and making it a study for FN people.
- At the Vandna School of Social Work (McGill University) First Nations people are conducting and overseeing the type of work that is needed with regards to data.

[REDACTED] Aboriginal Affairs and Northern Development Canada (AANDC), Social Development Operational Specialist. Response to remedies that Theresa spoke about.

- [REDACTED] commented on the response to the Canadian Human Rights Tribunal and that government is focused and committed to a full scale of the form and recognizes a request to respond with immediate action.
- Noted are adjustments to Operations and Prevention.
- The funding formula has been found to be discriminatory, but the government is changing and making enhancements. He noted that CFS involvement is important and key.
- [REDACTED] explained that there needs to be a Manitoba response that feeds into the national picture and approach.
- There will be Prevention funding to jurisdictions and this will not take from other programs.

- He said that resources will be available specific to Child Maintenance and there will be funding for intake and investigations. We need to look at how that funding would flow and how best to formulize it.
- There is a commitment to Agencies. The program responds by funding to fit numbers as an immediate response.
- He explained that the Government is committed to re-establish a forum of the National Advisory Committee and that in Manitoba it never stopped with a broad range of stakeholders from being involved at the table. They are in a good position in Manitoba and are getting the green light to go ahead with a commitment to fund the study.
- In Manitoba agencies receive less funding. Respond to immediate calls for action to better address issues into the current model and get relief to agencies.
- A lot is pending with the appropriation of funds but will be successful in obtaining funds necessary to make change.

Family Services Response - [REDACTED]

- [REDACTED] explained that the CFS division and Human Rights Tribunal decision have had a number of meetings at higher levels. Noted is that they are waiting to see what's going to happen with the Federal budget and how can they support Tribunal ruling.
- The question of how do we make funding more appropriate to agencies. The Agreement expires March 31, 2016 and it has had internal discussion but they are committed to working with federal counterparts.

AMC Response – Involvement with the remedies process (Including development of funding models): [REDACTED] - Director of Strategic Initiatives, Assembly of Manitoba Chiefs (AMC)

- [REDACTED] on behalf of Grand Chiefs [REDACTED] relayed regrets and explained that it is important for AMC to attend this gathering. He is excited for AMC to be involved and stated that the position of AMC is growing together.
- [REDACTED] is proposing that we take a look at the funding models together and existing realities that are on the ground. He explained that working together on a nation to nation basis is important.
- [REDACTED] mentioned that there is an upcoming Child and Family Services (CFS) forum on April 12-14, 2016 and that [REDACTED] and Justice [REDACTED] will be attending. They want to speak on customary care from a First Nations perspective and not a provincial one.

Lunch 11:52 am – 12:52pm

4. Update from Regional Advisory Committee (cont'd)

- There have been two meetings this year. The committee met in June and February. The items for this agenda come from last meeting held in February 2015.
- There have been deficiencies in the funding model. If issues can be addressed within the model then we can move to adjust salaries to be on par with the Manitoba Government Employee Union (MGEU) so as to keep pace with the Province.
- The gaps on shortfalls have been disclosed. With investigation services there is a bigger gap but moving further ahead on discussions. The information from the North and South meeting will be taken seriously.
- The Committee will have the ability to influence change and not the Authority.

- The Committee can inform the change that needs to happen and will bring the information from the respective authorities. The Authority will then come back to the Regional Advisory Committee.
- There will be invitations sent to the political organizations. Manitoba Keewatin Okimakanak (MKO) and Southern Chiefs Organization (SCO) need to be a part of the process. AMC (Assembly of Manitoba Chiefs) is already part of process.
- Regarding the Strategic Service Plans this is a reporting mechanism used across the board and system. The same template will be used and will include representatives from the General Authority (GA). That template was sent out last year in collaboration with the Northern Authority who partnered with the Province and did agency reviews. Based on those meetings there were collective opportunities to create deficiencies. The Southern Authority (SA) has made some adjustments to enhance the process.

5. **Agency Presentation – Specialized Foster Care Homes.**

[REDACTED] – Executive Director of Shawenim and [REDACTED] – Executive Director of Southeast Child and Family Services (SECFS)

PowerPoint Presentation by [REDACTED] – Executive Director of Southeast Child and Family Services: (Presentation Attached)

- [REDACTED] explained that SECFS has been dealing with high numbers of kids in care and something needs to be done about it.
- Three years ago, an entity was part of SECFS but making a third party service provider exclusively to SECFS. When looking at placements for children whether in the community or in city the agency had to become creative. They built a couple of homes in the community. SECFS licensed it and staffed it with house parents and respite workers.
- At Shawenim the house parents go up to communities. They are in home for twenty days in and ten days out. There is respite coverage for during that time. They can fly to Little Grand Rapids, but in order to get to the community they have to take a helicopter and the costs are incredible.
- The costs are reflected in the cost of the home. There is a big cost involved in providing a placement for kids in the community.
- If customary care is not in place, next best thing is the Shawenim home. Communities have seen what they are able to do with it. SECFS has to enter into a long term lease agreements.
- SECFS wants to hire local staff but one of their challenges is providing qualified staff.
- SECFS provides training and that training is culturally specific training for caregivers in the communities. They are looking at building more homes like this due to shortage of housing.

PowerPoint Presentation by [REDACTED] – Executive Director of Shawenim: (Presentation Attached)

- [REDACTED] mentioned that the name Shawenim was changed from several years back, by Elder [REDACTED]. 'Love to nurture the child' is what Shawenim means.
- [REDACTED] has been with Shawenim since September 2015 and has a close connection to Southeast Resource Development Tribal Council. It was established 10 years ago and the original focus was on culturally appropriate programming. Caring for our own children in our own ways came as a response to children in care.
- The number one – 3rd party resource that SECFS uses is Ma Mawi. Children who have trauma, higher needs and history of placement breakdown have more supports in place.

- Shawenim encourages culturally appropriate training and there are monthly gatherings which provide presentations and information. The sweat lodge ceremony is offered.
- Shawenim is in the process of developing policies and procedures.
- Shawenim tries to find people who will benefit the lives of young people. There are support workers in city and at the community level assisting in Prevention. The workers should be role models and be a resource to children in care. They offer support and do activities. Example; tickets to Manitoba Moose games or passes to the City of Winnipeg facilities.
- They are coordinating a youth camp in Poplar River this summer. Poplar River is getting a new school.

Health Break

6. Break out session to answer the following questions – Future of Devolution:

1. What should future Devolution look like?
 - a. What is the role of customary care in your community?
 - b. What is the impact of self-government agreements and the Framework Agreement Initiative?
 - c. What is the role of stakeholders (Agencies, Authorities, Family Services, INAC, AMC, SCO and MKO)?
 - d. Are there any other future Devolution initiatives? Has to be changed, governments are supposed to devolve for more culturally appropriate resources. Government can use the word devolution, because they made devolution. How should question be worded? Are there funding enhancement initiatives?

Responses are included as attachments

Day 1 Wrap up - [REDACTED] closed the meeting at 3:09 pm. networking followed.

Day 2 – March 17, 2016:

1. Welcome Comments by [REDACTED] The meeting commenced at 9:15 am.
2. [REDACTED] Assembly of Manitoba Chiefs (AMC) – “Bringing Our Children Home” Presentation. (Presentation Attached)
 - [REDACTED] explained that this document was released last year.
 - In 2014 a northern and southern engagement with recommendations to change the system as it is currently from a First Nation point of view to pull together on a shoe string budget.
 - It came as an opportunity to hear from people behind the scenes. Who did they hear from? It heard from parents, grandparents and children and this is where the recommendations come from.
 - It further requires having political discussions with governments.
 - [REDACTED] explained that they are looking at developing a secretariat on CFS matters and funding matters.
 - The Southern Chiefs Organization (SCO) is going to take a look at the financial component.
 - [REDACTED] explained he hopes the current situation changes with new regime in Canada.
 - The First Nations CFS advocate opened in 2015 – people go there with referrals.
 - [REDACTED] explained that more work needs to be done on the nation to nation level.

- He further stated that AMC wants to work together with Agencies, Authorities and the Government of Canada.

Question and Answers, Comments for [REDACTED]

AMC and Grand Chief [REDACTED] needs to discuss how to go forward. The Northern Authority - proposes using recommendations.

[REDACTED] CFS Division

- [REDACTED] explained that we need to work together in a positive way. If so, we can do some good work for our children. She further stated that we need to expand the limits and develop a better system. We all need to be on same page if we truly want to make life better for children and families. She stressed the importance of working together.
- She mentioned that currently they are working on fixing provincially delegated legislation from a First Nation point of view.

[REDACTED] CFS Division

- [REDACTED] explained that we need to work together in order to get solutions but [REDACTED] responded to her by stating that there are challenges in working together.
- The terms of reference has been circulated to agencies.
- With regards to the leadership council there has been no response only a draft from AMC. She proposes that the upcoming forum will be a good opportunity to renew negotiations again.

Regional Advisory Committee is committed to meetings.

[REDACTED] thanked [REDACTED] for his participation.

Health Break

3. Provincial Presentation. Customary Care – [REDACTED] and [REDACTED] (Province):

Understanding what Customary Care is:

- [REDACTED] did not pass, but the plan is that we are going to work together.
- Need input and strategies from Family Services perspective. We need to work with Agencies and Authorities about removing barriers within the legislation and working together to making sure things change and this is a common thread to implement customary care.
- [REDACTED] (presentation) – The concept behind customary care is that since time immemorial it is our responsibility to take care of our children. We had our own ways of caring for our children.
- Protection of customary care is in the constitution; uniqueness of customary care is in the community. First Nations people have their own ways and they are unique to the community.
- She explained that we need to meet with elders in the communities. We need their knowledge, and need to bring that information forward to formal practice today. But we need a cultural basis first, before developing policies and procedures.

Ontario Experience:

- Within the model in Ontario mainstream agencies implement customary care. There are the same foster care regulations and child in care standards.
- The province of Manitoba needs to implement own standards, ministry standards are minimal standards.
- Within the Ontario model parents do not lose parental rights with regards to customary care. The practice of customary care is the need to keep parents engaged with the children. Families are engaged with children. The medical, cultural, learning about clans all parents are involved.
- The Family Service worker works with the family. Relationship between caregiver and parent.
- In Ontario the agencies role is to facilitate arrangement and pay for the resources for a customary home. Customary care is not a foster home but is paid the same rate as a foster parent.
- With regards to devolution, a fundamental question is: can we really take care of our own children? We have to mentor and try again until we get it right. There are community codes in terms of how they do child care.
- Customary care belongs with the people. It is reconnecting children back to their communities.
- How do we implement customary care when we need resources, services and supports?
- In First Nation communities what does customary care look like, and what is it going to cost? There are no services in communities. These are some of the things that need to be looked in terms of bringing the children home. What does it mean? What are we talking about? What is the attached dollar?
- Some of the services that children go without: developmental, medical, and physical services. Also, good infrastructure is needed in the communities in order to be able to deliver those services.
- Customary care is not kinship care, nor is it another type of placement. It is the way we transmit our culture and customs from one generation to the next.
- Want own child welfare law, nation to nation governments. Looking at in terms of Treaty 3. Sacred responsibility to take back.
- There have been discussions on how to move forward with customary care. There is lots of hope and optimism on moving forward and taking care of our own children no matter what. Legislation won't deter us, going to persevere with it.

Questions/Comments

Why was bill not passed?

[REDACTED]

- Does not know why, but there was an opportunity. Where do we go from here? She mentioned to do capacity building.
- She further mentioned that we need to work with community elders and leadership. The intention of legislation is to remove barriers. The momentum is here, but the province has to follow along and support communities and make decisions over membership.
- The Province of Manitoba is committed to seeing customary care moving forward, to remove barriers for communities.
- Was proposed bill rejected? Didn't even make it to the table. Within legislation to remove barriers, customary care is at the top. Need to partner and work together around barriers.

- There is a commitment to move forward. Hired two customary care workers. [REDACTED] is now the Customary Care Specialist at the Southern Authority and [REDACTED] is now the Customary Care Specialist at the Northern Authority.
- There will be 6-7 phases that agencies are going to be going through.

Agency Responses and Comments on Customary Care. What is Customary Care?

[REDACTED] - Sandy Bay CFS (SBCFS) – A pilot. Brief Presentation

- [REDACTED] is very excited about the customary care project. It is the continuation of devolution.
- [REDACTED] sees customary care as an opportunity. There is flexibility in how they are going to do it and there is room for creativity.
- SBCFS did it in own way. The legislation is an acknowledgement of a customary care service delivery model and is in the best interest of kids to do the work.
- Richard asked the question on how it is going to work and response is that SBCFS will continue to go forward with project.
- The reason is that mainly SBCFS feels customary care takes decision making out of agency.
- It is a working relationship with Chief and Council and community and leadership are involved in decisions.
- [REDACTED] noted that we need support and collaboration in order to do child welfare.
- There are seven agencies piloting the customary care model.

[REDACTED] - Executive Director, West Region CFS (WRCFS). Brief Presentation.

- [REDACTED] explained that customary care is looking after our own, and children knowing where they come from.
- Issues that come up are guardianship and the legal guardian by non-aboriginal foster parents. One child lost to a non-native foster home, severed ties that bind to siblings. Recommendations had been made, they have to be reviewed and get them done within the community.
- Adoption is big part of bringing children home; agencies have done a lot of good work in bringing children home. Children were patriated and brought back. There are still adoptees out there that make their way back. A plan has to be developed to work with justice on this issue.
- WRCFS has the support of Chiefs and looked forward to this work. Money is required.
- [REDACTED] explained that Customary Care is a good thing.

[REDACTED] Received call from the Treasury Board and Customary Care was approved. Full Customary Care will be able to go forward, details will be worked on and letters sent out.

**[REDACTED] Executive Director – Dakota Ojibway Child and Family Services (DOCFS)
– Mission taking care of our own. Brief Presentation**

- [REDACTED] explained that the last few years they have been continuing the work. There is a collaborative team that works together and that continues to work with Chief and Council.
- The board is supportive of customary care, but Prevention programs are needed first. [REDACTED] explained that we need to focus on Prevention as well.
- [REDACTED] asked, "what else can we do that's different and with regards to the Authorities?"
- She mentioned there needs to be a collaborative and supportive relationship. Document negotiated family, caregiver and comprehensive documents. This is something that needs to be

looked at and discussed. Crown conferencing, pilots in agency, in formalizing it, putting money attached to it.

- [REDACTED] also asked, "What the role of the Authority is in the customary care agreement?" [REDACTED] responded that there is confidence in being able to direct it; she wants to work together and make more agreements.
- She mentioned that there needs to be changes made at the Province. There needs to be a working relationship. In years prior there were lots of efforts made to make initiatives. It is hoped that momentum keeps going and continue to apply practice in communities.

[REDACTED] Executive Director - Southeast Child and Family Services (SECFS). Brief Presentation

- [REDACTED] explained that SECFS is not one of the pilot projects. She stated that SECFS should have been considered for customary care, for the high numbers of kids in care within the agency.
- [REDACTED] (CEO of the Southern Authority) responded that the Authority does have to approve customary care, and that they are in discussion for a pilot project with SECFS.

[REDACTED] Designate – Special Projects Unit Manager, Northern Authority (NA). Brief Presentation

- [REDACTED] see's customary care as an opportunity to develop new relationships with agencies.
- He explained that there is a feeling of the Authority imposing on agencies. Authorities are asking for complicated requests in short time frames.
- He hopes that the overall framework will allow us to move forward and build new working relationships with agencies.
- From the Northern Authority perspective, customary care is a better service for families and children in care. It is an opportunity to work together in a different manner.

Lunch – 12:15 – 1:15 pm

4. Child Maintenance Billings Working Group – Report on the Child Maintenance Transition Planning Meetings on February 17 and 18, 2016. Northern Authority – [REDACTED] CFO. Southern Authority – [REDACTED] CFO (Presentation Attached)

[REDACTED] – Chief Financial Officer (CFO), Northern Authority

Re-envisioning of the Child Maintenance funding model:

- From an Authority perspective. Background – Child Maintenance concerns. [REDACTED] asked the question, "Why can't we have a system like INAC when there are demands on Agencies?"
- There have been meetings with [REDACTED] for the Southern and Northern, with ideas of if we can do something and have an opportunity we can the make changes. [REDACTED] noted that this is an opportunity for change and we have to get Agencies involved soon as possible in the discussions.
- [REDACTED] had discussions on concepts and ideas for changes. The response was strong, we want to see changes, and favorable things were discussed.

██████ – Chief Financial Officer (CFO), Southern Authority

- There was a meeting on February 17 with all key finance people, and staff from the Province. It was to map out how the system works. Here they got insight into challenges and were building towards talk of new things happening.
- Here it was decided to bring agency staff together. It was two days of productive meetings.
- Further, they came up with challenges and solutions in the system.
- A Child Maintenance facilitator was brought in and came up with a preliminary report with solutions the government wants to do.
- The intention of outcomes will be put in a final report and those things will get implemented immediately - to be rolled out with solutions, results and outcomes.
- There will be good changes coming up.
- There have been issues and challenges with terminology and agencies to have supporting documentation.
- There was too much paperwork and adding too much clerks too process prior.
- Issues with the Child Maintenance process and system: issues with paperwork and IRAP letter issues.
- Government staff have been working overtime, and there is frustration on both sides of the government and the agencies.
- There have been a lot of problems with the IRAP process.
- Looking at change, but there needs to be a collaborative approach from both the Branch and Department.
- He further explained that we need an efficient, transparent, communication system.
- Stated that there needs to be trust and confidence in a system that is transparent.
- It needs to be the same system for everybody all working in the same context.
- Agencies are excited over the Transition process.

Three phases:

1) Tripartite contracts:

- Changes to include the CMB manual and the idea of a new Child Maintenance Committee called a policy committee.
- What's important in agreements? Have to talk about role and contracts. Contract services.
- The Child Maintenance manual has to be transparent and has to clear up exceptional circumstance issues.
- April is a target date to make sure everyone has a chance to do their due diligence. Nothing is being imposed on the agency, an option.
- Will develop a budget for each agency and determine how that is to be calculated.

2) Global Funding:

- How do you develop Child Maintenance budget and have an approval process?
- Funds for Prevention purposes. Global funding will change the future of funding.

3) Standardized Rates:

- The system needs to be clear with a transparent framework.
- There will be fixed rate amounts, but will still need to submit invoices.
- There will be updates to Child Maintenance manual. As a result there will be new policy changes.

- Getting a revised version soon, important step to help with clarity, manual was not updated.
- The committee is a very important mechanism to discuss policy issues, to make decisions and communicate decisions to proper Authorities.
- The committee should be represented by all stakeholders.

- **CURAM:** Coming in 5-7 years. Responsibilities are with the Authority. Want to clean up billings.
- Case management system, input transaction once. Key issues should be streamlined.
- Increase collaboration. New committee and new ideas will be introduced.
- Possibly a standing committee. Standing committee should formalize it. Want it to be the right committee and should be collaborative. This is going to help a great deal with the improved system.

- On moving forward the key is training. How do we train? More training on the Child Maintenance manual.

Health Break

5. Breakout Session to answer the following questions: 4 Breakout groups, which continued on from Day One (March 16, 2016):

Key questions for CM Policy Committee:

1. What should the Purpose/Scope be?
2. Who needs to be represented and what selection process should be used?
3. What is the right size (optimal # of members)?
4. How often should the committee meet?
5. Should decisions be binding and how should decisions be made?
6. How should decisions be communicated?
7. What should be the involvement in revisions to the contracts to reflect phase II and phase III?
8. What should be the involvement of a transition plan for the CMB process to the authorities?

presented on Flip charts - part of Child Maintenance Billings reporting group. The Child Maintenance transition plan will be ready by April 1, 2016.

Responses included as attachment.

6. Closing Remarks

- made some closing remarks and thanked everybody for being here, engaging in all of the discussions and in all of the planning. The Information from the two days will help guide.
- from the Northern Authority thanked from the Assembly of Manitoba Chiefs (AMC) for being present at the two day meeting.
- made a few closing remarks. He commented on collaboration with stakeholders, governments, agencies and perseverance. The belief in what we are doing and why we are doing it is for the children.

Closing prayer by Elder at 3:40 pm.

FIRST NATIONS CFS REGIONAL ADVISORY COMMITTEE MEETING

SOUTHERN FIRST NATIONS NETWORK OF CARE

2ND Floor, 630 Kernaghan Avenue

Winnipeg, MB R2C 5G1

MINUTES

Monday, June 27, 2016

Meeting started at 9:00 am

Chair: [REDACTED]

Attendees:

[REDACTED] NA	[REDACTED] AANDC
[REDACTED] SFNCC	[REDACTED] Southern Chiefs
[REDACTED] Awassiss	[REDACTED] AANDC
[REDACTED] SC - Advocate	[REDACTED] Province
[REDACTED] NA	[REDACTED] Province
[REDACTED] Province	[REDACTED] SFNCC

Regrets:

[REDACTED] AMC	[REDACTED] SECFS
[REDACTED] SFNCC	

Opening Prayer and Introductions:

Opening prayer by [REDACTED] and introductions were completed.

Review Minutes from Meeting Minutes from February 12, 2016:

The Minutes from last Regional Advisory Committee and the North/South Meeting Minutes were reviewed and accepted with the following changes:

- Page 5 – Make change and note that [REDACTED] was in attendance in the pm.
- Noted is that [REDACTED] will incorporate Agenda items to his presentation on the 3:30 pm slot to 4:00 pm
- In the February Meeting Minutes regarding the Terms of Reference, there was a suggestion to have it on the Agenda for September. [REDACTED] presentation will bring forward on what has transpired with revision or appendix. The last revision was made in 2014.
- Based on last meeting with the task of sending out letters to SCO, MKO and trying to get people at this table it was noted that there has not been any confirmation or acknowledgement. There were letters sent out electronically and mailed out as well.
- There was question to [REDACTED] if she would be talking about the MGEU with any updates and budgets, with what happens next and what can be shared. Also If not included in the update, can this be included in this Agenda, the stabilization home,
- The 3:30 to 4:00 will be moved up.

- Noted that if [REDACTED] attends he could present on feedback regarding "Bringing our Children Home"
- Strategic Service Plan Reporting and Reviews – [REDACTED] will provide update.
- [REDACTED] will provide on next meeting.
- The suggested changes to the Agenda is good and the review of previous meeting Minutes of February 12, 2016 will be accepted with minor changes.

Review and Approve North/South Meeting Minutes – March 16 & 17, 2016:

- The Minutes from the North/South Meeting were reviewed and approved with minor changes.
- It was noted to make change on last name for [REDACTED] to reflect [REDACTED]
- It was suggested to add numbers on the pages of the Minutes.
- It was suggested to change form to reform (scale of the form).
- Other suggestions for edits: If people want to make more detailed and any other edits, to please send to [REDACTED] if we don't hear, then minutes are good and will be accepted.

Updates:

Strategic Service Plan Reporting and Reviews: [REDACTED] update:

- Each Agency has to submit their annual SSP plan, and have until April 30 to get to us for it to go to the Feds and Province. It is reviewed in depth with the Agency that includes financial and so far SCFS and DOCFS have been done to date. It is good because you hear the challenges and hear what programming is about. We learn about their financial statements. Last year, all Agencies were done and noted that it is a good process.
- [REDACTED] noted that it has been three years looking at the big picture with this year leaving the CEO to do. From INAC, it is good because it gives a collective and gives them an opportunity to present their service component. At some time if there is an opportunity that may have to revisit the format and in efforts to further streamline as it is less for the Agency. This can be put on the work plan for RAC with a lot of expectation that activity will transpire and how we will envision. [REDACTED] noted he will talk with [REDACTED] and see what he wants to do and if something is different for the Strategic Plan and if there are agencies that need to be a priority then can have discussion with him.
- The proposed date for and [REDACTED] will follow up with [REDACTED]
- It was noted that from last year there was a feeling of duplication and [REDACTED] said would make changes to the staffing not for this year but if we could do for first thing in the fall and out to the Agencies by December with the format. Noted as every year goes on unless significant changes some of the detail stuff is not required and set something up for September.
- Noted by [REDACTED] is that it is a good idea and some change will have to be addressed on the format to include the Metis and the GA. As well have a sub-committee. To be included in the budget for 2016.

Federal and Provincial Program updates:

Federal updates:

- He provided updates on the Department's response to date regarding the Canadian Human Rights Tribunal ruling and related activities. All submissions and information is available on the Caring Society's website, include Canada's detail on immediate relief funding adjustments.
- He noted that an in person meeting was scheduled for June between all parties to the complaint but has been postponed by Tribunal. Tribunal has asked for any final submissions from the parties to be in by July 8th. Hopefully parties will meet at a later date.
- He noted that it has been back and forth with regards to the Caring Society but will see what the next ruling on the Tribunal will bring. Based on the last RAC meeting there is a commitment of moving forward with program reform.
- He provided detail on how the immediate relief funding adjustment distributed this year and Budget 2016 were calculated for MB Region. Information on budget calculation were completed and sent to HQ in November 2015. The calculations for MB Region included 6 items: 1. Salary parity - used MGEU salary scales for 2013/14; 2. Cost driver adjustment – 0-18 on-reserve population stats, for those agencies with no pop stat increase they were kept at December 2008 as a baseline so no decrease in funding; 3. Cost Driver Assumption – increased actual for those agencies above the current formula assumption of 7% CIC, there were four agencies above the 7%; 4. intake and after hours on reserve, current formula adjusted to 10% from 5%; 5. Travel increase for Direct Service Workers and; 6. Purchase Service increase \$130 to \$175 per 0-18 pop on-reserve, Prevention \$ 145 and \$30 for Protection. He noted that we got what was put forward by the regional office. Many of these items had been highlighted by the FNCFS agencies.
- Budget 2016 included an additional investment for the FNCFS CFS program of \$634.8M, over five years. For MB Region - \$12.5M, over 4 years.
- The 1st instalment of the Year 1 funding adjustment - \$4.5m has flowed to the FNCFS Agencies, 2nd instalment expected to flow for 3rd QTR - \$3.0M
- Agencies will have discretion as were they direct the Budget 2016 – Year 1 funding adjustments. Need to be with federal program authority and funding agreement terms and conditions. Must be used to enhance on-reserve service delivery.
- Not sure how Year 2 funding adjustments with flow. Still need to be determined.
- Manitoba Region would like to maintain the cost sharing partnership with any future model development.
- The Government of Canada has committed to reforming the FNCFS Program and the way it supports prevention and protection services delivery on-reserve. The direction from Senior Officials is to begin National and Regional engagement in 2016/17. Need to hear from the people, partners and other key program stakeholders. This information will assist Canada/Department in establishing options for program reform - what needs to be changed.
- RAC needs to develop regional advisory strategy. This could be used as a platform to facilitate discussions with and get buy-in from First Nation leadership. Region could utilize strategy to approach AMC/SCO/MKO to submit proposal to implement regional engagement work plans.

Noted that regionally there is additional funding available to support these regional engagement activities. Question is how we move this forward as a tripartite table to move these initiatives forward. Noted that RAC as being the best position to move some of these planning efforts forward. There is consideration to ensure there is agreement and involvement from different parties.

- Noted that at last meeting AMC was here, there was agreement that RAC would be in a position to lead some of these types of activities.
- There is the question if a role for a Child Advocate is to be part of this table
- Looking at family support systems, health service gaps and medical issues etc.
- There was question on how do we feed information into the national picture. Yet to be determined. Regionally we'll fit into nay national committee that may be established.
- Noted that we come up with a regional plan strategy and submit to Ottawa. We are in a better position as there's been a regional tripartite functioning for several years.
- Need to re-establish the Funding Model Working Group, take what we know now and quantify. Explore new funding models and mechanisms, Data collection and analysis can begin.
- Regional engagement activities complete by June 2017 – target date. All info flows up to this government.
- Noted that there are changes in the Provincial governments and items that are being worked on. There are two primary meetings, senior official meetings that take place that fits into our work here on the Agenda and First Nations leadership. Noted that the Feds and the Province want improvements on both sides
- There was comment on what is needed for early intervention and resource development as per case model on what we want. That there is a lot to be looked at and the suggestion to have the National Advisory Committee.
- Noted by [REDACTED] that in June there was a provincial two day meeting and the Federal Minister didn't show. Will request update from [REDACTED] when she arrives.
- Noted that AMC MKO and SCO have a meeting scheduled for June 6/16. [REDACTED] would have more details.
- Noted that a long term discussion will help with some type of National Advisory Committee on the federal budget.
- **Jordan's Principle** – Regional working has been operating for several years. Nationally, INAC has been working with Health Canada on broadening the definition of JP. Looking at eliminating the multi service providers and multiple disabilities criteria, opening up to social and health requirements for children with a disability. Letters from Health Canada and INAC sent to provincial senior officials. The provincial working group (TOROWG) has produced products such as a case conference to case resolution document, a client intake form and information circular on the process. This will all need to be re-visited with new JP definition and approach. An agreement in principle was reached with parties; MB Family Services , Health, Education and ANA, Health Canada and INAC. Noted that AMC identified a minimal in the last year. Noted that [REDACTED] were given the Tribunal ruling on Jordan's Principle for money

Provincial Updates:

- The New West Trade Agreement

4 provinces – divisional agreement that relates to child welfare, eg. When it talks about service of availability there are issues around placement in Manitoba. A section in relation to the treaty aboriginal services. Its' just not just aboriginal services. The Province has given all feedback from the CFS program to a broader people at the Province to look at issues and request to accept. If there is a service look at the residential care. Does this agreement say there will be no preferential placement. It becomes a problem for provinces. Issues around Government job postings and request for proposals.

- Protection Children Legislation

Announcement on Thursday by the OCA that Manitoba is moving with protection children legislation, opening up information sharing, whether it be education. There is a big thing around customary care. The sharing of information in the best interest of the child and looking at expanding the mandate of Children's Advocate and First Nations Advocacy.

- Future Directions of the Province Since the Election

The idea of funding for results is not such a bad idea, struggling a bit as a system, have not done the best job of what funding is supposed to do, eg. Residential care. A lot of facilities, the question if the service is being provided, is it doing any good for kids. Can be looked at from an economic point of view. The idea is actually pay attention to what we are doing and if it works, not just having money out there and seeing if it works or not. The way we collect information on national outcomes. Social impact bonds – go on internet and looking at one is introducing new funding, eg. Kids graduating from high school and comparing to kids who received service, measuring success and seeing what has worked. Private investors taking the risks on returns. Having more incentives and structures on system.

- MGEU Stabilization Funding

August 31/16: Process to move asap confirmation and usual process will not be usual process of past based on old timelines, August 31/16. Treasury Board MGEU Stabilization funding.

Lunch Break – 12:00

Resume at 1:52 PM

has joined the meeting and for purpose there were introductions to Assistant Deputy Minister to Child & Family Services.

Provincial Updates:

- made note of the Strategic Service Plan and that he has been attending meetings with SFNNC agencies, he noted that there are one or more two coming up to talk about process and beyond that.
- He noted that the reorganization of Customary Care as a proposal was done prior to the election.

- [REDACTED] talked about looking at resubmitting something around customary care as we have a new government, working with authority partners and that there is one staff person working on customary care. Potentially having a detailed proposal ready for the Minister in the coming months. There are reps from North and South on customary care and will see how it is progressing. [REDACTED] from the North and also a person from the South.
- The South is working with the agencies on the funding received. An evaluation will be done and there will be a meeting soon with Finance and program areas to see what we will do with the funding. Noted is that it will happen sooner than later.
- Noted that [REDACTED] is now in and has met with both customary care specialists.
- The reorganization chart is still a work in progress and hoping to have something out to partners by end of the week. One slight change to be made to the chart. Will be out in next couple of days. Streamlining the division so there is no duplication. Making sure all is on the same page. Staff are meeting regularly.
- There was question if there was any discussion with province with funding model and INAC a taking position that we are moving away from that and has the province taken a position on the funding model?
- A proposed meeting is scheduled for July with meeting times. Noted is that there was no meeting since the provincial election specifically with Child and Family Services program, the Tribunal and how everything fits in with the current government. The five year agreement has expired and the clause in the MOU to have extension had expired on March 31, 2015. This could extend for one year period to March 31, 2016.
- Noted that given the change of directions and communication will continue to honour until such time back at the table.
- AMC raised concern about provincial meetings and how it intersects with the group here,. There is a need for having conversations with stakeholders.
- There are meetings and conversations with First Nation leadership and the Province. There are no closed door meetings. In effort to be transparent, people want to know from a federal perspective to know where things are at and the services for on reserve.
- At the last process of meetings there were reps at the table from AMC, the Federal government and two levels of government senior officials, SCO and MKO reps as well.
- Noted as the vision moving forward is that it moves up to a National Advisory Committee.
- There was question regarding CURAM and where it is with the system design and what the Province is doing and is it in the parking lot. The response from [REDACTED] is that it is in the parking lot and there is a committee in the interim to enhance CFSIS. That the Province has asked the Authorities to help with this and there have been changes to the application for CFSIS. There is a budget to support and develop enhancement to the provincial system for case transfers.
- Noted from [REDACTED] is that government is waiting for budget to go through and there is a shift to look at system enhancements and some type of federal support.

[REDACTED] Updates:

- [REDACTED] made note to the CSA and the current policy in how it is being retrieved on the operating side and taking maintenance out every year. The clarification on policy and how much is being taken.
- He made note that he wants to capture a clear summary on how much CSA is being retrieved by province on an annual basis. Some taking more maintenance in a given year and that is a concern from agencies and the same for the South.
- He noted big differences and that some took out more than were paid out. Big differences on the maintenance side and could the Province provide the North with the Agency.
- The response is that the Agency must have something to show of what is being received, that the Province is projecting what the Agency is receiving.
- The province is asking for a reconciliation and Agency is asking for numbers operating to show a reasonable range of what the Province says and agency says.
- Noted that letters from 2008 on the opening amounts show who is right, the Child Tax Benefit. The Child Tax Benefit. He noted that he is not sure if all this was included on the CSA side.
- Noted that legislation on the child's special allowance to call the CRA and see how it is done as some agencies paid off arrears and some are being paid off in the next 50 years.
- There was question if the Province is trying to capture the old stuff of amounts not paid back to child maintenance as it is much larger than they are actually receiving. Question if the Province could provide a summary with the details, an analysis with the legislation to show the child's special allowance.
- Noted is that [REDACTED] gets agencies to provide that information.
- Noted by [REDACTED] is to have a reconciliation. To start with the outstanding amount in 2010/11, start at that point based on arrears with original number. Noted is that communication is required for people to explain what is happening and the Authorities are a part of it but at a higher level. The Province hasn't explained and this has to happen and the response is that the discussion has happened many times and there is a policy explained. The Authorities are left to explain to the Agencies what has not happened and steps are needed to explain one self..
- Noted that there needs to be a different venue for this to be discussed in agreement with Southern and it should be explained to the agencies.
- It as noted by [REDACTED] that as we go forward that this would be forum to discuss the funding and what potential changes will be in the provincial. And noted that as we begin to move forward the priority will be the funding model (a place to discuss it) for the agencies.
- Noted that CSA dollars will be put on funding models. Funding models are up for grabs, have to keep working or changing, keep talking CSA.
- It was noted that the Agency funding model discussions have happened through this group. Rather than enhancements to funding model, but a new funding model to get done quickly.
- Noted that needs to be addressed and how we support through a funding mechanism.

FNCFS RAC Proposals:

- [REDACTED] gave background history on the regional tripartite that has been supported since 2001.

- He noted that work began in 2007 with work starting in 2008.
- The regional tripartite was renamed as Regional Advisory Committee
- There has been funding of 30,000 since 2001 and has never changed.
- In 2001 the Terms of Reference went to AMC. It was a shift from AMC to SCO.
- In 2010/11 fiscal, there was a shift of money provided to SCO.
- One year after, there was no response and the group didn't meet. There was interest from several members of RAC who approached and collected the group in the absence of AMC and SCO to look at the funding for First Nations Authorities with the same Terms of Reference.,
- In 2012/13 a change was made with the Terms of Reference, money went to SFNNC and North/South.
- In March 2012, the current money available has been going to the SFNNC since that time.
- Every year is the same process, we meet as RAC and the budget is same to support regional tripartite activities.
- Noted is that there is confirmation for \$30,000 and approval for additional activities at the table for up to \$150,000 and this is for one year.
- Noted that to prioritize regional engagements, a conversation is needed with people to develop a work plan. A separate budget can be drawn up for regional engagement sessions. The \$150,000 does not have a lot of detail
- There is a significant commitment to reform and have engagement with FN people and with what needs to be changed.
- Noted that to support a regional table, we have which has been discussed in previous discussions. There was a commitment from the Minister and that we use our Terms of Reference and move forward with the Agenda.
- Noted if there were four engagement sessions and people being brought from communities would cost a lot of money. This group could assist with this and senior officials and political could incorporate to what a regional engagement would look like.
- Suggestion to have a regional guide to help guide that session.

Noted by [REDACTED] is that:

- A) How do we have community strategy engagement in terms of programming
 - B) How do we frame engagement sessions? We know that there is addiction and issues and how this is being framed.
 - C) How do we improve better protection and support families?
- It was noted to have discussion with Grand Chiefs and have program areas and move this out.
 - Question if there is an expectation to bring in leadership and how do we engage?
 - It was noted that bring the issues to another forum where issues are being received e.g. AMC forum next week.

**Noted that trying to get to group together every two months is a bit of a challenge.*

Review and update 2016/17 Update:

- [REDACTED] will follow up
- The working group funding model to start framing some ideas
- Noted by [REDACTED] on regional engagements and the development of the regional advisory engagement
- Conversations with Grand Chiefs
- [REDACTED] storming activities
- Create a regional strategy engagement working group
- How do you create a plan for framework for consultations
- Do we need to have broad engagement sessions? If taking existing information, trying to get meetings with Grand Chiefs.
- As per [REDACTED] some consultation has already been done.
- There was comment on the customary care at the last North/South Meeting and the future of devolution. The question is are we stuck now and how far have we gone?
- [REDACTED] will edit the proposal based on conversation held here and incorporate on the framework engagement strategy, revise proposal budgets.
- [REDACTED] will propose surplus from previous fiscal year and respond back.

Review and Update 2016/17 FNCFS RAC Terms of Reference will be tabled for the fall at another meeting.

- Assuming everyone is ok with this being at the table.

Review and update 2016/17 Work Plan for FNCFS RAC and Funding Model Working Group.

- [REDACTED] will follow up with Template.
- At next meeting get framework and sub- committee could take monthly.
- The Funding Model will be separate.

Health Break at 2:45

- The next regional meeting will set dates for the funding model and look at proposed dates. Presentations from National office to participate.
- Noted is that things are changing all the time and updates are not always received timely.
- Noted that July 25th will be set for and a meeting request will be sent for all day meeting..
- Noted that a special communication will be sent to MKO and AMC and [REDACTED] will take to RDG with reps from this table. He will follow up with another email. It was suggested that they will be given an opportunity to give a written response.
- Noted that [REDACTED] has responded and it is reflected in Minutes and there was conversation with him about his commitment with AMC's position to accept.
- Noted that If we get someone from MKO as well.
- [REDACTED] will draft message for this meeting request and [REDACTED] as well.

Child Maintenance Working Group: [REDACTED] updated.

- Noted is that there is a report.
- A sub group was created called the Child Maintenance Billings Group.
- Changes were happening and there was input from agencies/authorities.
- The first day of getting together was just for the ED's and CFO's from agencies and authorities.
- The second day the province and feds had plans on what they wanted to do. The fundamental changes to process bills, documented to be submitted and reviewed at a later date. An updated child maintenance manual, committee on child maintenance manual, the province presented on that.
- Then on March 15th, there was another meeting with the first day the CEO's and ED's and service people to present from feedback from first set of meetings of what was approved and agreed to with contracts with agencies.
- Noted that on the two sessions of February 17 and 18 and a report was done. It gave us all the presentations that were done with feedback.
- On February 18th there was a working group and they rotated on topic areas with stake holders with presentations on the March 15 meeting.
- Since then there have been a few meetings on the contract with closer to finalizing the contract.
- The Province, agency and authority will be signing the contract.
- Noted that a committee is trying to be formed. Will be held on the 29th.
- The CFOs will be meeting with authorities to discuss contracts, to be taken back to agencies and have implemented as soon as possible.
- Noted is there other things being done as well with SFNNC working with a pilot to roll out to other agencies to have standardized to make easier to reconcile.
- Noted that the one piloting reducing to one or two could save a lot on clerical time and easier to reconcile. It does its thing for child maintenance billings on timeliness that whole committee will be key besides the contract.
- Noted that it will have same interpretation. And get a formal process to look at things as an advisory to advise government and keep the manual up to date at all times.
- Noted that things will be consistent and will help with errors.
- Noted that training will be developed for SFNNC for the agencies and have pilot by end of July and after that keep booking agencies.
- Noted that a manual will be developed around the system within a year and a half and have all completed.
- Noted that SAGE has been modified and testing will be done for a month or two.
- Noted that there are six out of nine agencies interested. And if interested to talk to [REDACTED] once the pilot is done. It reconciles to the government and eliminates the manual process.
- There was question if there was a prioritized list for Agency and if one name doesn't match. One of the Northern agencies came down to see the demo.
- Noted that for the south SECFS are number 4 and AOCFS is the test site.
- Noted is that SCFS needs a whole new system to be put in place.

- Noted that SECFS timeline depends on the two pilots that will be done for them in the fall.
- The Implementation committee will evaluate and implement and see how long it takes.

*Note: [REDACTED] is contact with SCO – no update

- Noted by [REDACTED] is that he likes how things are going and that the draft was a really good beginning.
- Noted that will defer in AM – Bringing our Children Home
- Noted on the CHRT – The Minister met with the National Child Advocate Meetings as well as the provincial child advocate.
- Noted that gaps analysis for services with children's with disabilities.
- The National Advisory Committee
- Youth Committee
- [REDACTED] noted about all how this fits in on what's been happening.
- Noted that the program for First Nations Child and Family is moving forward.

Meeting concluded at 3:30 pm

Closing Prayer by [REDACTED]

FIRST NATIONS CFS REGIONAL ADVISORY COMMITTEE MEETING

SOUTHERN FIRST NATIONS NETWORK OF CARE

2ND Floor, 630 Kernaghan Avenue

Winnipeg, MB R2C 5G1

MINUTES

Monday, July 25, 2016

Meeting started at 9:30 am.

Chair: [REDACTED]

Attendees:

[REDACTED] SFNNC	[REDACTED] AANDC
[REDACTED] NA	[REDACTED] Province of MB
[REDACTED] AMC	[REDACTED] SFNNC
[REDACTED] AMC	
[REDACTED] SECFS	

Regrets:

[REDACTED] SFNNC	
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Opening Prayer:

Opening prayer by [REDACTED]

Review Minutes from Meeting Minutes from June 25, 2016:

[REDACTED] and [REDACTED] suggested that any changes to the meeting minutes from June 25, 2016 be sent to [REDACTED] via email.

Agenda

[REDACTED] and [REDACTED] developed an agenda. The agenda is as follows:

Agenda

Review of the Minutes
Review of the 16/17 Minutes (RAC)
Regional Engagement Strategy for MB
Federal Update
Provincial Update
Discussion on Payroll Tax – Vacancy Management

Discussion

- [REDACTED] discussed exploring different options for funding – would like to see a regional component to it.
- Regional engagement sessions – looking at the collective work plan and how you go about it. This is the regional vision. Establishing contracting a consultant to concentrate on the funding piece of it.
- Position to start some of the work, but being cautious. Need First Nation's partners through Grand Chiefs/Chiefs. Funding model working group – need to be involved in regional engagement work. Additional funds and activities that expect regions to do.
- Communication – representatives draft a strategy and a work plan. From a federal perspective want to hear back from partners on how they see things.
- Need to reach out and send invitations to organizations. Committee extend invitations to organizations. AMC is represented and is interested in hearing from the community as well
- Come across escalated to RDG (regional director general). An issue that preventing a response, we need to understand what that is. Financial struggles within organizations.
- Brief overview of where things are from a federal perspective.
- Renewing the relationship – partners are First Nations and provincial partners.
- Minister is keen on relationship.
- Jordan's principle – Regional engagement activity with Health Canada and the province – this is a component of funding. Working group engaged in JP activity. In area of child welfare – whoever wants to work on areas makes sense.
- [REDACTED] mentioned we can encompass a JP component under the CFS side. Kids are outside system.
- At the AFN/AMC July 2016 gathering at Niagara Falls issues were discussed. Example: Jordan's principle, the nation to nation approach, and to the TRC. With regards to the first 5 recommendations will it have a regional component?
- Need the same approach – regional component which incorporates the 5 recommendations of the Truth and Reconciliation Commission (TRC).
- The Federal department's key objective is to engage with communities incorporating recommendations and reports that have been produced regionally. Regional engagement strategy needs to be mindful of various reports. Do we need to look at editing the RAC terms of reference, in order to support more of a focus of the regional engagement strategy?
- [REDACTED] discussed some of his concerns. With regards to the committee he asked the questions; Are there people here that need to be here? Is it only by invitation? He suggested trying to accommodate people from other organizations, which are representative of a work strategy. He further suggested bringing everyone to the table. Possibly a smaller committee to do the actual work on the engagement strategy.
- Would AMC be in support of being at the table? Are they comfortable with supporting this table? Was discussed that a collective group be there and key members - a platform to have discussions.
- Canada is moving toward regional and advisory committees. Concerns are is it something that the Grand Chiefs/Chiefs can support? This work plan is being developed here.

Province of Manitoba (MB)

- The province is committed to the committee continuing the work and putting together a strategy, further direction will come later.
- The provincial representative [REDACTED] had discussion and asked the questions, "What is the province's role to participate in this work? What is the commitment? Don't know what the identified is, but need a commitment to use this as a vehicle for the tribunal engagement. Is this the vehicle for moving forward? What are we all doing to confirm that? Are we using this as a vehicle to conduct engagement strategy?"
- Engagement focused on tribunal. Plan a number of sessions for tribunal consultations. Committee will live on regardless.

Federal Government Response to Tribunal

- Commitment from the Federal Government.
- Concerns/Questions: Have there been any meetings with Grand Chiefs? Are they in support of utilizing this as a steering committee? Based on the work plan provided to senior officials can plan at SFNNC - this is an option. Need to bring it back to this table and what is the response?
- Federal government wants to ensure First Nations leadership is present and engaged.
- Engaging people is a key issue, "what is the regional engagement in Manitoba?"
- [REDACTED] mentioned that [REDACTED] submitted a proposal for 30K, how can we build in some components in anticipation?
- Additional funding is the contract piece, regional strategy work plan. Outsource with a private contractor to do some of the work, regional tri-table, and additional activities as a result of the tribunal response.
- Funding model working group - difficult to collect data. There is a proposal to access additional dollars. Built proposal above what normal activities are.

Regional Engagement Strategy. What does it look like for Manitoba?

Summary and background of MB RAC – Funding model and working group.

- [REDACTED] – try to frame it in who and how? How are we going to engage with the who? Who are we? People who are receiving the service.
- Hoping to have regional and national engagement activities take place this fiscal year. Regional engagement inducted throughout this fiscal year.
- National gathering happened during AFN assembly. The Minister is committed to putting on a national child welfare summit scheduled to be in the fall. Trying to align the gathering with the provincial/ federal ministers meeting.
- First Nations Alberta is hosting a national conference with the First Nations Caring Society. Strategic planning session with First Nations Caring Society. Need to identify dates and location for the summit. Establishing this is national.

Regionally represent organizations in Manitoba (MB) – who do you need to see be involved?

- CFS Agencies want some consultation in process – have an idea of what services not to provide.
- CFS Agencies need to be part of the process, but it needs to be the political level that drives the process.

- Community, leadership, provincial people that are listed, community support and programming.
- Child and Family Services (CFS) Advocate.
- Discussion on how do we make it work with leadership? First Nation leadership needs to be involved and driven; politically this is how it has to happen.
- Approach to AGA in September, what is the theme for AGA? It was mentioned that this is a good opportunity and possibility to discuss Child welfare. [REDACTED] will be there and the Chiefs will be honoring her. [REDACTED] proposed to Grand Chiefs/Chiefs a CFS forum. An opportunity to develop a framework and strategy.
- First Nation Agencies, service organizations, First Nation leadership, Child Advocates, working groups, Chiefs task force, Provincial, Feds, CFS Agencies and Authorities. [REDACTED] mentioned that there is an opportunity for feedback and a need to be able to assist them.
- [REDACTED] asked; "Are we looking to find other programs at the community level?" There is an opportunity to get information back. We need to get information in, which then needs to be reviewed and analyzed. This will be presented as step one (Engagement).
- [REDACTED] asked the question, with regards to engaging on systemic issues – who would be involved? Services are needed based on where the child is located. Within the City of Winnipeg there are other organizations that provide supports which would be included in those service organizations. Combination of regional, locations, times and online surveys. Smaller scale meetings can happen with specific service organizations.
- Commitment on communication. A proposal on trying to plan ahead – key things that are going to happen and a strategy being developed nationally.
- In the midst of all of planning will engage in MB – develop collectively with these people. Section off people from this group, get an outline, formalize and send it out.
- As a communication strategy can request time on the AGA agenda, if there is a role for engagement from the AMC perspective? This could have a First Nations component to it. Chief's taskforce on child welfare.
- Possible preliminary engagement. Will collect information from Southern Chiefs Organizations and MKO on their assemblies [REDACTED] mentioned. These organizations are potential targets.
- Draft proposal with background. Assembly of Manitoba Chiefs (AMC) AGA September 20-22, 2016 – Possible resolution to accept proposal.
- MKO, Annual General Assembly will take place August 23-25, 2016. An opportunity for engagement at these forums.

Why?

- [REDACTED] – New government's commitment to engage in response to HRT ruling.
- [REDACTED] asked the group if they are willing to circulate to [REDACTED] the reasons why?
- Why is it being done? A summary to the work plan, highlighting an active RAC. Need a structured work plan that highlights the background of the why.
- Why does Canada want to do national regional engagement? Why do we want to be engaged?
- Need to consolidate big picture messages so that is communicated. Example; TRC and AMC – Bringing our Children Home.
- Summary and background of MB RAC.

How will we engage?

- Depends on who. Your community members and a combination of efforts.
- Community level through agencies, doing some community presentations is a possibility. These are different options.
- Some of the groups with First Nation Leadership, an assembly with FN leadership being involved.
- Assemblies, town halls, online info and surveys (include everyone).
- Social media (Example; Facebook).
- Traditional way (posters).
- Sending information to all these entities in addition to all these, until we are ready to look at the data.
- Producing information sheets, packages (distributed at the agency level). This can be housed on a website that we can go back to, which can therefore be used in various venues. Common across the board.
- Community members on and off reserve, First Nations leadership, Child Advocates, Working groups (supportive of CFS Agencies and Authorities).
- Separate meetings (focus groups to connect with any/other separate working groups), service organizations, online information. Example; Chiefs special task force, partner service organizations.
- Town halls? Town hall in a specific location where an invite can be sent to specific organizations. TRC (Truth and Reconciliation Commission) rulings and recommendations. By doing regional engagements, develop options for reforming...
- [REDACTED] mentioned this needs to be developed by someone who specializes in communications. (Possibly hiring someone). Beyond engagement – will complete a report with findings at the end.

Lunch Break – 12:00pm

Reform: What does this look like? Goals – Expected results, prevention, reducing CIC, Keeping families together.

Risks/Other Considerations: Report – end of First Quarter 2017/18.

- Any existing reports and recommendations.
- Provincial commitment
- Customary Care
- Jordan's Principle
- Devolution/Jurisdiction – Federal Law
- Federal/Provincial Policy Changes

MB CFS Reform – What does it look like?

Afternoon (PM) – Further Group Discussions on Regional Engagement Strategy

FIRST NATIONS CHILD AND FAMILY SERVICES REGIONAL ADVISORY COMMITTEE STRATEGY

WHAT: PROPOSED REGIONAL ENGAGEMENT – MANITOBA FIRST NATIONS CHILD AND FAMILY SERVICES PROGRAM REFORM

WHY: The key objective is to engage with First Nation partners, people, Province of Manitoba and other key program stakeholders to obtain information to develop options for reforming the First Nations Child and Family Services program in a manner that responds to both the finding of the CHRT ruling and the Calls for Action set out by the TRC report. This effort of engagement will also consider existing regional reports and recommendations such as AMC's Bringing Our Children Home and the province's Hughes and AMR reports. The proposed engagement approach is expected to provide Canada with information to develop a range of reform options for the First Nations Child and Family Services Program.

WHO	HOW	WHEN	WHERE
<p>People – persons affected by existing CFS policy, legislation, regulations and funding.</p> <p>Partners – First Nations leadership and Province of Manitoba</p> <p>Key Program Stakeholders – Child Advocates, Collateral Service Organizations, Existing Program related Committees/ Working Groups, CFS Agencies and Authorities,</p>	<ol style="list-style-type: none"> 1. Town Hall type engagement sessions at a variety of locations. 2. Use Social Media, Web-based survey tools etc. 3. Prepare Information Package to be widely distributed in communities. 4. Indigenous Representative Organization's Assemblies and special meetings 5. A variety of separate meetings with partners and key program stakeholder 	<ol style="list-style-type: none"> 1. September 2016 to March 31, 2. Final Report – June 30/17 	TBD

RISK/OTHER CONSIDERATIONS

- What if Province not committed to program reform – mitigation: exchange of letters by senior official fed/prov.
- Establish link to JP engagement activities.
- Jurisdiction/Devolution
- Models of Engagement – ex: Touchstones of Hope etc
- Customary Care initiative

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to Information Act
Communiqué en vertu de la
Loi sur l'Accès à
l'information

The following has been taken from INAC communication products and could be used to frame our regional summary/context/background.

The Government of Canada is committed to improving social outcomes in First Nation communities, and recognizes that it can only be achieved by working with its partners across the country.

This document is for the purposes of seeking your input into the proposed engagement approach to develop a range of reform options for the First Nations Child and Family Services Program.

Child and family services is one of key elements supporting community wellbeing. The Government of Canada provides funding to support the delivery of child and family services on reserve through the First Nations Child and Family Services Program. In Manitoba, these services are provided by provincially-delegated First Nations Child and Family Services Agencies.

INAC provides funding to the FNCFS agencies in Manitoba to support the delivery of CFS on-reserve. MB Region employs a formal cost-sharing arrangement between the Province of Manitoba and INAC, with Manitoba funding 60% and Canada funding 40% of agencies' core operational costs. This approach to supporting agency operational cost is one of a kind and does not exist in any other region.

In 2014-2015, INAC provided approximately \$647.5 million to delegated First Nations Child and Family Services Agencies, Provinces/Yukon territory, communities, Tribal Councils and other organizations to deliver child welfare services on reserve.

Budget 2016 proposes to invest \$634.8M over five years to support front line service providers and to ensure continued availability of protection and prevention services to First Nation children and families as the Government/Department engages with partners over the coming months to seek input into program reform requirements

On January 26, 2016, the Canadian Human Rights Tribunal found INAC's First Nations Child and Family Services Program to be discriminatory. The Tribunal ordered INAC to cease its discriminatory practices and reform the Program. INAC was further ordered to cease applying a narrow definition of Jordan's Principle.

The Government of Canada immediately accepted the Tribunal's decision and looks forward to continued work with parties to the Complaint, partners and other key program stakeholders to make immediate and long-term lasting changes to the funding of child welfare on reserve.

First Nation communities are facing many challenges that shape lives, well-being and opportunities for First Nation children and families. These issues go beyond the current First Nations Child and Family Services Program, and may include such things as water, housing, social and community infrastructure, violence, healthcare, drug and alcohol abuse and economic development. This engagement will focus on child and family services on reserve, but may draw connections to other areas of community development to gather ideas about possible reforms to the Program.

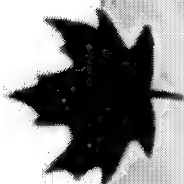
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et du Nord Canada

Indigenous and
Northern Affairs Canada



Affaires autochtones
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Services à l'enfance et à la famille des Premières Nations

Décision du Tribunal canadien des droits de la personne
3 mai 2016

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Canada



26 janvier 2016 : Le tribunal rend sa décision:

- Le tribunal ordonne au gouvernement du Canada de cesser ses pratiques discriminatoires, de réformer le programme des SEFPN et le 1965 Agreement en Ontario et de cesser d'appliquer de façon restreinte le principe de Jordan.
- Compte tenu de la complexité des politiques et procédures relatives au programme des SEFPN, les membres du Tribunal exigent plus de précisions de la part des plaignants (l'APN et la SSEFPNC) et du répondant (AANC) quant aux mesures de redressement immédiates et à long terme pouvant être mises en œuvre de façon pratique, significative et efficace. Un processus est établi.
- L'APN et la SSEFPNC demandent aux membres du Tribunal d'allouer la compensation maximale de 20 000 \$ par enfant pour chaque enfant des PN vivant sur réserve ou au Yukon, placé entre février 2006 et la date du versement, pour les souffrances et peines subies par ces enfant. Aucune décision n'est encore rendue.



Prochaines étapes – Québec

- Le budget fédéral a annoncé 634,8M\$ alloués pour les SEFPN (national) au cours des 5 prochaines années;
- Un budget supplémentaire de 9,9M\$ a été alloué à la région du Québec (2016-2017) afin d'ajuster le financement des agences SEFPN en guise de mesure de redressement immédiate;
- Mise à jour de la formule de financement actuelle, à laquelle on a ajouté du financement pour l'admission, l'évaluation, l'intervention directe, le coût de service par enfant et l'ajustement des salaires pour le fonctionnement;



Prochaines étapes - Québec

- Ces montants seront affectés aux trimestres 1 (mai 2016) et 3 (décembre 2016) du cycle budgétaire;
- Les affectations seront versées principalement en fonctionnement mais couvrent les 2 volets (fonctionnement et prévention). Ce financement pourra être utilisé de la même façon que le financement habituel des SEFPN;
- Un montant de 6M\$ a été affecté dans les ententes de financement en date du 2 mai 2016, les montants seront versés au cours des prochaines semaines. Vous recevrez la confirmation des montants au cours de la semaine.



Affaires autochtones
et du Nord Canada

Indigenous and
Northern Affairs Canada



Affaires autochtones
et du Nord Canada

Indigenous and
Northern Affairs Canada



First Nation Child and Family Services

Canadian Human Rights Tribunal Decision

May 3, 2016

*Released under the Access
to Information Act*
*Communiqué en vertu de la
Loi sur l'accès à
l'information*

Canada

January 26, 2016 – Tribunal decision release

- INAC is ordered to cease its discriminatory practices and reform the FNCFS Program and 1965 Agreement (in Ontario). INAC is also ordered to cease applying its narrow definition of Jordan's Principle and to take measures to immediately implement the full meaning and scope of Jordan's Principle.
- Given the complexity of FNCFS Program's policies and procedures, the Panel requires further clarifications from the Complainants (AFN & Caring Society) and the Respondent (INAC) on the actual reliefs sought, including how the requested immediate and long-term reforms can best be implemented on a practical, meaningful and effective basis. An official process is put in place.
- The AFN and Caring Society ask the Panel to award a the maximum compensation of \$20,000 for each child taken into care since February 2006 to the date of the award to compensate for pain and suffering experiences by those children. No decision released as of today.

Next Steps – Quebec

- The 2016 Federal budget announces for \$M634.8 to be allocated to the FNCFS (nationally) for the next 5 years;
- \$M9.9 additional budget is allocated to the Quebec Region for 2016-2017 to increase funding to FNCFS Agencies as an immediate relief;
- The existing funding formula is updated: funding is added for intake and evaluation, direct services, service purchase and salary adjustments for operations and direct services;



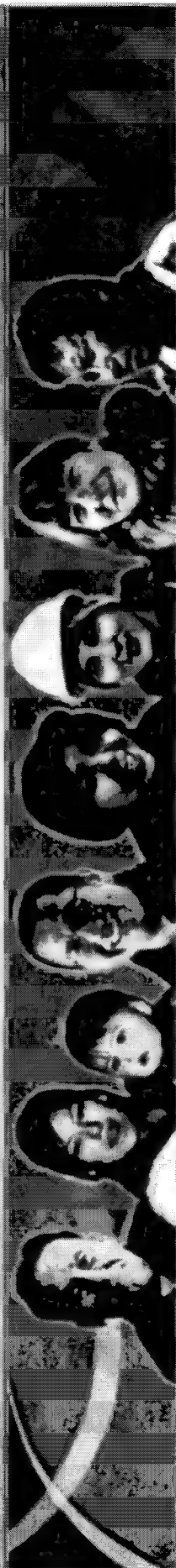
Next steps - Quebec

- Additional budget will be allocated in this fiscal year's 1st and 3rd Quarters (May & December 2016);
- New budget will mostly be allocated through the Operations budget activity, however, funds are calculated towards Operations and Prevention and can be used as regular FNCFS funds;
- As of May 2, 2016, \$6M was allocated to all FNCFS Agency's existing funding agreement. These funds will be available to you in the next few weeks. Exact amounts confirmation will be sent to you within the end of this week.



Affaires autochtones
et du Nord Canada

Indigenous and
Northern Affairs Canada



Services à l'enfance et à la famille des Premières Nations

Décision du Tribunal canadien des droits de la personne
3 mai 2016

*Released under the Access
to Information Act*
*Communiqué en vertu de la
Loi sur l'accès à
l'information*

Canada



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COMMISSION DE LA SANTÉ ET DES SERVICES SOCIAUX
DES PREMIÈRES NATIONS DU QUÉBEC ET DU LABRADOR
FIRST NATIONS OF QUEBEC AND LABRADOR
HEALTH AND SOCIAL SERVICES COMMISSION

250, place Chef-Michel-Laveau, bureau 102
Wendake (Québec) G0A 4V0
418-842-1540 418-842-7045 cssspnql.com

**TABLE RONDE RÉGIONALE (TRR) SUR
LES SERVICES D'AIDE À L'ENFANCE ET À LA FAMILLE
DES PREMIÈRES NATIONS DU QUÉBEC**

**FIRST NATIONS CHILD & FAMILY SERVICES
REGIONAL ROUNDTABLE (RRT)**

HÔTEL CLASSIQUE / HÔTEL CLASSIQUE

SALLE / ROOM: RIOPELLE

2815, BOULEVARD LAURIER, QUÉBEC (QC) G1R 6A5

3, 4 & 5 (AM) MAI 2016 / MAY 3, 4 & 5 (AM), 2016

ORDRE DU JOUR PROPOSÉ / PROPOSED AGENDA

3 MAI 2016		MAY 3, 2016	
8 h 30	<ul style="list-style-type: none"> ■ PRIÈRE D'OUVERTURE & MOT DE BIENVENUE ■ LECTURE & ADOPTION DE L'ORDRE DU JOUR ■ CONSENSUS COMPTE RENDU DE LA DERNIÈRE RENCONTRE : 15, 16 & 17 DÉCEMBRE 2015 ■ TOUR DE TABLE DES PARTICIPANTS 	8:30	<ul style="list-style-type: none"> ■ OPENING PRAYER & WELCOME WORDS ■ READING & ADOPTION OF THE AGENDA ■ CONSENT OF LAST MEETING MINUTES DATED: DECEMBER 15, 16 & 17, 2015 ■ PARTICIPANTS ROUND TABLE
9 h 15	<ul style="list-style-type: none"> ■ PLANIFICATION STRATÉGIQUE ET TERMES DE RÉFÉRENCE 	9:15	<ul style="list-style-type: none"> ■ STRATEGIC PLANNING AND TERMS OF REFERENCE
10H-PAUSE SANTÉ		10:00 - HEALTH BREAK	
10 h 15	<ul style="list-style-type: none"> ■ SUIVIS DE DIFFÉRENTS PROJETS <ul style="list-style-type: none"> ➤ TRIBUNAL CANADIEN DES DROITS DE LA PERSONNE [REDACTED] ET AANC ➤ PROPOSITIONS DE MODIFICATIONS LPJ [REDACTED] ➤ RENCONTRE DES COORDONNATEURS 1^{re} LIGNE ET SUPERVISEURS CLINIQUES [REDACTED] ➤ FONDS D'ÉVALUATION DES SERVICES DE PREMIÈRE LIGNE ➤ TARIFICATION DES SERVICES EN CENTRES JEUNESSE 	10:15	<ul style="list-style-type: none"> ■ FOLLOW-UP ON PROJECTS <ul style="list-style-type: none"> ➤ CANADIAN HUMAN RIGHTS TRIBUNAL - [REDACTED] AND INAC ➤ PROPOSED AMENDMENTS TO THE YPA [REDACTED] ➤ CLINICAL SUPERVISORS AND 1st LINE COORDINATORS MEETING [REDACTED] ➤ FUNDING VS EVALUATION OF FIRST LINE SERVICES ➤ TARIFICATION OF SERVICES IN CENTRES JEUNESSE

12H00 - DINER		12:00 - LUNCH	
13 h15	<ul style="list-style-type: none"> ■ PRÉSENTATION DU VOLET 3- ANALYSE DES TRAJECTOIRES DES JEUNES DES PREMIÈRES NATIONS AU SEIN DU SYSTÈME DE LA PROTECTION DE LA JEUNESSE (MCGILL) 	1:15 pm	<ul style="list-style-type: none"> ■ PRESENTATION OF COMPONENT 3 - TRAJECTORIES OF FIRST NATIONS YOUTHS SUBJECT TO THE YOUTH PROTECTION ACT: ANALYSIS OF MAINSTREAM YOUTH PROTECTION AGENCIES ADMINISTRATIVE DATA (MCGILL)
14H30 - PAUSE SANTÉ		2:30 PM - HEALTH BREAK	
14 h45	<ul style="list-style-type: none"> ■ AUTRES PROJETS DE RECHERCHE 	2:45 pm	<ul style="list-style-type: none"> ■ OTHER RESEARCH PROJECTS
15h15	<ul style="list-style-type: none"> ■ SUPERVISION CLINIQUE 	3:15 pm	<ul style="list-style-type: none"> ■ CLINICAL SUPERVISION
FIN DE LA JOURNÉE		END OF THE MEETING	

4 MAI 2016		MAY 4, 2016	
8 h 30	■ RETOUR SUR LA JOURNEE PRECEDENTE	8:30	■ RETURN ON PREVIOUS DAY
9 h 15	■ FAMILLES D'ACCUEIL - VOLET QUALITE	9:15	■ FOSTER FAMILIES - QUALITY
10H15-PAUSE SANTÉ		10:15 - HEALTH BREAK	
10 h 30	■ DROITS DES PARENTS ET LPJ : SYNOPSIS DE FORMATION ET CAPSULES-VIDÉO ■ AUTRES FORMATIONS À VENIR ■ SONDAGE SUR LES HABILETÉS PARENTALES ■ ABUS SEXUELS/ENTENTE MULTISECTORIELLE	10:30	■ PARENTS' RIGHTS AND YPA: TRAINING SYNOPSIS AND VIDEO CAPSULES ■ OTHER TRAININGS ■ SURVEY ON PARENTING SKILLS ■ SEXUAL ABUSE/MULTISECTORAL AGREEMENT
12H00 - DÎNER		12:00 - LUNCH	
13 h 15	■ CONSULTATION SUR LES PROJETS DE VIE ➤ ADOPTION	1:30 pm	■ CONSULTATION OF LIFE PLANS ➤ ADOPTION
14 h	■ CONSULTATION SUR LES PROJETS DE VIE (SUITE) ➤ TUTELLE	2:00 pm	■ CONSULTATION OF LIFE PLANS (CONT'D) ➤ TUTORSHIP
14H30 - PAUSE SANTÉ		2:30 PM - HEALTH BREAK	
14 h 45	■ CONSULTATION SUR LES PROJETS DE VIE (SUITE) ➤ PROJETS DE VIE AXÉS SUR L'AUTONOMIE	2:45 pm	■ CONSULTATION OF LIFE PLANS (CONT'D) ➤ AUTONOMY PROJECTS
FIN DE LA RENCONTRE		END OF THE MEETING	

5 MAI 2016		MAY 5, 2016	
8 h 30	■ RETOUR SUR LA JOURNEE PRECEDENTE	8:30	■ RETURN ON PREVIOUS DAY
9 h00	■ PRESENTATION DE SAVA (ADAPTATION DE PQJ)	9:00	■ SAVA PRESENTATION (PQJ) ADAPTATION)
10H15-PAUSE SANTÉ		10:15 - HEALTH BREAK	
10 h30	■ TOUR DE TABLE	10:30	■ ROUND TABLE
11h15	■ PRÉPARATION DE LA PROCHAINE TABLE RONDE RÉGIONALE (TRR)	11:15	■ PREPARATION OF NEXT REGIONAL ROUND TABLE (RRT)
11h45	■ FORMULAIRE D'ÉVALUATION DE LA TABLE RONDE RÉGIONALE (TRR)	11:45	■ EVALUATION OF THE REGIONAL ROUND TABLE (RRT)
FIN DE LA RENCONTRE		END OF THE MEETING	

Principe de Jordan - Initiative de l'enfant d'abord

RENCONTRE DES RESPONSABLES DES DOSSIERS
AUTOCHTONES DU RÉSEAU DE LA SANTÉ ET DES SERVICES
SOCIAUX DU QUÉBEC

28 septembre 2016



VOTRE SANTÉ ET VOTRE SÉCURITÉ NOTRE PRIORITÉ

CONTEXTE

- En décembre 2007, le principe de Jordan (PJ) a été adopté par la Chambre des communes en l'honneur de Jordan River Anderson.
- En 2008, Affaires autochtones et du Nord Canada (AANC) et Santé Canada ont été mandatés de mettre en œuvre le principe de Jordan.
- En janvier 2016, une plainte de la Société de soutien à l'enfance et à la famille des Premières Nations du Canada et de l'Assemblée des Premières Nations a été confirmée par le Tribunal canadien des droits de la personne. Le gouvernement du Canada a reçu l'ordre de cesser l'application de sa définition étroite du PJ, et de prendre immédiatement des mesures pour pleinement mettre en œuvre le sens et la portée de ce principe.
- En juillet 2016, le gouvernement du Canada a annoncé une aide financière pouvant aller jusqu'à 382 M\$ pour la mise en œuvre d'une nouvelle approche du Principe de Jordan – l'initiative de l'enfant d'abord.

La nouvelle définition

- L'initiative de l'enfant d'abord vise à ce que les enfants des Premières Nations vivant dans les réserves et sur le territoire du Yukon, qui sont atteints d'un handicap ayant une incidence sur leurs activités quotidiennes ou une condition particulière de courte durée (ex. suite à une opération) aient accès à des services de santé et des services sociaux comparables à ceux vivant hors réserve.

Principe de Jordan, Initiative de l'enfant d'abord – Avant et maintenant

Principe de Jordan 2008

Une approche basée sur des différends entre le Canada et une province sur le paiement des services

Enfants des Premières Nations vivant dans une communauté

Principe de Jordan, Initiative de l'enfant d'abord 2016-2019

Une approche basée sur les besoins, pour s'assurer que les écarts de services ou les différends de compétences entre les gouvernements au sujet du paiement des services n'ont pas pour effet de perturber de retarder ou d'empêcher l'accès aux services requis.

Enfants Premières Nations vivant habituellement dans une communauté et qui appartiennent à la catégorie d'âge des « enfants » tel que défini dans leur province/territoire de résidence.

Les enfants évalués ayant des handicaps multiples nécessitant plusieurs fournisseurs

Enfants évalués avec

- Un handicap ayant une incidence sur leurs activités quotidiennes; ou
- Une condition particulière de courte durée qui requièrent des services de santé ou de soutien social

Enfants ayant besoin de services comparables à ceux que reçoivent les autres enfants vivant à l'extérieur des réserves dans un emplacement géographique similaire et répondant aux normes provinciales

Enfants ayant besoin de services comparables aux services répondant aux normes provinciales en matière de soins, et enfants pour lesquels des demandes dépassant la norme sont présentées et examinées au cas par cas.

Principes d'orientation

- Initiative d'une durée de 3 ans.
- Le gouvernement fédéral doit soumettre des recommandations pour établir une approche à long terme.
- L'intention n'est pas de dupliquer les programmes existants, mais de compléter ce qui existe déjà pour assurer que les besoins des enfants des Premières Nations vivant dans les réserves soient pris en compte et qu'il n'y a pas de lacunes dans les soutiens et les services en matière de santé et de services sociaux.
- Références normatives: assurer des accès équitables aux enfants qui habitent habituellement en réserve par rapport à ceux qui vivent hors réserve. Pour les enfants dont les demandes dépassent la norme, ils seront examinés au cas par cas.
- Initiative pour les enfants des Premières Nations âgés de 0 et 18 ans et qui vivent habituellement dans une réserve.
- Les communautés conventionnées (cries, Inuits et naskapis) sont exclues puisqu'elles sont intégrées dans le système provincial.

Composantes de l'initiative de l'enfant d'abord

Le 5 juillet, le gouvernement fédéral a annoncé une nouvelle approche au principe de Jordan, avec un investissement de 382 M\$ sur une période de trois ans.

L'initiative comprend les composantes clés suivantes:

1. Une meilleure coordination des services (38M\$)
2. Le règlement de l'accès aux services (327M\$)
3. La mobilisation avec les Premières Nations et les provinces (17M\$)

1. Une meilleure coordination des services

- La coordination des services sera effectuée par une ou plusieurs organisations externes et par les communautés des Premières Nations.
- Les fonctions types des coordonnateurs de l'initiative pourraient inclure:
 - Des fonctions de sensibilisation;
 - L'accueil, l'évaluation et la coordination et;
 - La gestion de cas.

2. Le règlement et la gestion de l'accès aux services

- Le financement peut être utilisé lorsque les coordonnateurs de l'initiative ne peuvent résoudre les enjeux ou lorsque des besoins ont été identifiés et qu'ils ne peuvent être comblés par les programmes fédéraux existants.
- Le financement est utilisé seulement pour les cas en lien avec l'initiative et la reddition de compte sera importante.
- Le financement sera administré par Santé Canada avec la collaboration d'AANC.
- Chaque cas est différent et chaque demande est différente. Le temps pour obtenir une décision dépend de nombreux facteurs, mais nous allons travailler avec les partenaires pour obtenir une décision rapidement.

3. La mobilisation des partenaires

- Depuis l'annonce ministérielle, Santé Canada a communiqué avec les communautés.
- Des infirmières de Santé Canada communiquent actuellement avec les communautés pour mieux comprendre les besoins actuels des enfants dans les communautés qui pourraient être visés par l'initiative.
- Des discussions préliminaires avec AANC, la CSSSPNQL et la province du Québec ont eu lieu.
- Le comité des partenaires mené par la CSSSPNQL devrait donner les orientations pour la mise en oeuvre de l'initiative. Une rencontre aura lieu le 8 novembre 2016
- Un groupe de travail sera créé avec les partenaires (Comité des coordonnateurs) pour discuter:
 - Des normes de soins provinciales
 - La coordination des services
 - Prise de décision
 - La collaboration pour combler les lacunes recensées dans les services
 - Traitement des litiges (au besoin)

Points de contacts

Renseignements au public
Sans frais au 1-800-567-9604
Courriel: InfoPubs@aadnc-aandc.gc.ca

Familles des Premières Nations en vue d'obtenir ou
d'améliorer des services pour des enfants
Services de santé non assurés de Santé Canada
Sans frais au: 1-877-483-1575

Transition Funding Working Group

Objective of Working Group:

- To identify a funding model that is supported by the Directors of First Nation Child and Family Service agencies and that effectively and fairly distributes the available budget

Current Transition Funding Working Group Members – as of May 4, 2016:

- [REDACTED] Executive Director, Carrier Sekani Society
- [REDACTED] Executive Director, Scw'exmx Society
- [REDACTED] Executive Director, Knucwentwecw Society
- [REDACTED] Executive Director, Nlha'7 Kapmx Society
- [REDACTED] Manager, Social Programs, INAC
- [REDACTED] Advisor, INAC

Methodological Notes – In Support of Transition Funding Working Group

Ministry of Child and Family Service – level of delegation:

There are currently 20 First Nation Child and Family Services agencies in British Columbia, of those one is governed by a by-law and is therefore not delegated under the Province of British Columbia.

Of the remaining 19 First Nation Child and Family service agencies;

- 4 are delegated to C3
- 6 are delegated to C4
- 9 are delegated to C6

Community Remoteness:

First consideration was the number of communities each agency served and identifying if they are urban; rural or fly-in. Source of reference for determining the designation of each community was based on the Remoteness Index used by the department for a variety of program allocations.

The lowest is .08 and this would be considered an urban First Nation and the highest was .6; however these two fly-in communities withdrew from the service agency in their area. As a result, the highest remoteness index is .5

Child Population:

Child Population has been adjusted to 2016-17 reported numbers although 6 agencies have not reported "other" child population which as a result will affect the 2016-17 allocation. The child population is being used as a baseline to determine the number of Family Support workers allocated. This allocation was set at 1 for 250; 2 for under 800 and 3 for over 800.

Child-In-Care (CIC) Caseload and Access to Service (remoteness):

Review of the past five years (2010-11 through 2014-15) was undertaken to determine the average number of children in care as a standard reference. Further analysis to determine band of residency for each child under the care of an agency was done to identify if the child was from an urban; remote or fly-in community. For the purpose of this methodology, out-of-province children were considered "fly-in" as arranging contact with the band of residency / home community would involve potential flights. Once these numbers were identified, the ratio of 1 worker to 15 CICs for urban; 1 to 10 for remote CICs; and 1 to 5 fly-in CICs was calculated to determine the level of Guardianship workers required.

In order to determine the caseload numbers for Resource (Foster, Group and Institutional Care) and Reunification (Kinship Care and Post-Adoption Subsidy) workers, a review of the type of care reported was done for the past five years (2010-11 through 2014-15) to determine the average number of children in what type of care as a standard reference. The worker to CIC was set at 1 worker to 15 CICs.

Price Index:

Making reference to the Final Domestic Demand Implicit Price Index (FDDIPI), a percentage was determined by reviewing the fluctuation since 2005 through 2014 and was set at 9.5%

This % was applied to the current operating budget for 2016-17 to generate a "price index" adjustment.

Remuneration:

Salary was set for Family Support, Guardianship and Resource workers at \$66,600. The salary for the Reunification worker was set at \$40,000 in recognition that this position may be a community hired person not requiring a provincial level of delegation to work with First Nations families.

For the purpose of this methodology, a calculation was estimated for the pension as well as benefits. Pension was calculated using 5% and Benefits at 17% of the total salary (although the two examples included in the spreadsheet reflect closer to 23-27%).

Allocation of HRT Immediate Relief Methodology for 2016-2017

Recommendation: May 12, 2016

CFS Agency	A.) 2015-2016 Total Ops Funding (Basic+Other+Transition)	B.) 2016-2017 Total Ops Funding (Basic + Other)	C.) 2016-2017 HRT Immediate Remedies Allocation (Includes Transition)	D.) 2016-2017 Total New Ops Allocation (B + C)
C3 Namgis	\$284,846	\$280,001	\$70,000	\$350,001
C3 Denisiqi	\$658,237	\$660,650	\$165,163	\$825,813
C3 Haida	\$356,766	\$362,553	\$90,638	\$453,191
C3 Heiltsuk	\$313,788	\$323,832	\$80,958	\$404,790
C4 Ayas Men Men	\$986,289	\$580,830	\$669,909	\$1,250,739
C4 Nezel/Be Hunuyeh	\$364,352	\$374,005	\$425,374	\$799,379
C4 Carrier Sekani	\$1,393,822	\$972,567	\$695,761	\$1,668,328
C4 Nil/Tu,o	\$966,226	\$950,618	\$346,909	\$1,297,527
C4 Northwest Inter-Nation	\$1,021,046	\$812,232	\$281,138	\$1,093,370
C4 Gitksan	\$737,384	\$824,131	\$340,803	\$1,164,934
C6 Cowichan/Lalum'utul	\$1,317,685	\$1,025,551	\$742,534	\$1,768,085
C6 Usma Nuw Chah Nulth	\$1,569,950	\$1,074,065	\$738,085	\$1,812,150
C6 Secwepemc	\$918,949	\$738,874	\$772,166	\$1,511,040
C6 Ktunaxa Kinbasket	\$247,191	\$253,981	\$261,922	\$515,903
C6 Fraser Valley Aboriginal Society	\$1,467,014	\$935,379	\$680,427	\$1,615,806
C6 Kwumut' Lelum	\$1,059,987	\$1,137,993	\$688,499	\$1,826,492
C6 Niha'7Kapmx	\$622,337	\$381,378	\$385,804	\$767,182
C6 Knucwentwecw	\$499,894	\$370,595	\$408,890	\$779,485
C6 Scw'exmx	\$525,889	\$404,075	\$520,723	\$924,798
Bylaw Splatstin Stsmamit	\$330,271	\$88,807	\$383,697	\$472,504
Totals	\$15,641,923	\$12,552,117	\$8,749,400	\$21,301,517

FNCFS Post-Budget 2016 Regional Funding profile

Year 1 (2016-2017) @ 40%	Year 2 (2017-2018) @ 60%	Year 3 (2018-2019) @ 80%	Year 4 (2019-2020) @ 100%	Year 5 (2020-2021) @ 100%
\$5,390,010	\$8,085,015	\$10,780,020	\$13,475,025	\$13,475,025

Note: The existing \$3.36M currently identified as Transition Funding will be provided each year in addition to the new FNCFS funding allocation



AGENDA
Innu Caucus Meeting
June 14th, 2016
Conference Room, Hotel North2 Goose Bay, NL

Coffee/Tea and Gather	8:45
Review Agenda/Main Items for IRT Meeting	9:00
Review Priority Action Items:	9:15
1) IRT/Secretariat:	
a) Board, Workplan and Budget	
b) Executive Director Handover	
c) FSR Position ?	
2) Income Support – Program Implementation	9:30
a) Status/Statistics	
b) Program Delivery – Natuashish	
c) Quality Assurance Reviews	
d) Sub-Committee Workplan	
3) CYFS – Overview and Update	10:00
a) Statistics/data	
b) Innu Care Approach – Practice Framework	
c) Working Relationship Agreement	
d) Placement Resources Planning	
e) Governance	
4) Justice Committee Update	10:30
5) Health	10:45
a) IMC and Working Groups	
b) 2016/17 Capacity Development Funding/Projects	
c) Diabetes Action Plan - Status	
d) Health Research Project	
Education – MTIE Update to Leaders	11:30
Lunch (provided)	12:00



AGENDA

CYFS Meeting – June 14th, 2016

Hotel North2, Goose Bay, NL

Introductions	3:00 pm
Current CYFS Statistics (NL/CYFS)	3:15
Working Relationship Agreement	3:30
<ul style="list-style-type: none">- CLSW work update- Out of Community Case Reviews- WRA Review Process	
Innu Care Approach – Update (Development of Practice of Framework)	4:00
Prevention Services	4:15
<ul style="list-style-type: none">- INAC Overview and update- Development of Innu Proposal	
Conclusions/Next Steps	4:45





AGENDA

CYFS Meeting – June 14th, 2016

Hotel North2, Goose Bay, NL

Introductions	3:00 pm
Current CYFS Statistics (NL/CYFS)	3:15
Working Relationship Agreement	3:30
<ul style="list-style-type: none">- CLSW work update- Out of Community Case Reviews- WRA Review Process	
Innu Care Approach – Update (Development of Practice of Framework)	4:00
Prevention Services	4:15
<ul style="list-style-type: none">- INAC Overview and update- Development of Innu Proposal	
Conclusions/Next Steps	4:45



c/o Sheshatshiu Innu First Nation, PO Box 160
Sheshatshiu, NL A0P 1M0
Ph: (709) 497-3854
Fax: (709) 497-3881

Innu Round Table Meeting #16
June 15th, 2016 Hotel North 2, Goose Bay, NL

Parties in Attendance:

Innu: Chief [REDACTED] SIFN
Chief [REDACTED] MIFN

Canada: [REDACTED] HC
[REDACTED] INAC

Province: [REDACTED] NL/Lab & Aboriginal Affairs
[REDACTED] NL/CYFS

Note: a complete list of participants is attached

1. INTRODUCTIONS

The new Executive Director of the IRT Secretariat and IRT Chair, [REDACTED] convened the meeting at 9:15.

All parties were present, members/participants identified themselves (see list attached).

2. REVIEW AGENDA

The agenda was approved.

3. REVIEW NOTES/DECISIONS/ACTION ITEMS FROM PREVIOUS MEETING

The previous meeting notes were reviewed and approved. The Action Items were summarized and updates provided. Justice – Chief [REDACTED] indicated he had received a response from the Province on the MIFN Justice proposal which he will share later on the agenda. Health –there was some discussion regarding the NIHB item and an invitation for the Innu Health Directors to attend a meeting in Halifax in October. It was determined this was not a meeting arranged by HC.

4. OPENING COMMENTS FROM THE IRT MEMBERS

Chief [REDACTED] spoke to the search of [REDACTED]. The outcome was not good and the community was greatly affected by the loss. Chief [REDACTED] noted that council has observed that

following a community crisis, incidents of gas sniffing increases while alcohol decreases. The same trend was noted when [REDACTED] went missing. Recently, 30-35 children were reporting sniffing gas and there were indications that young adults were participating with kids. Chief [REDACTED] feels this is a clear indication the community need more healing programs, especially for the families as a whole. He believes it can be eliminated starting with the parents.

Chief [REDACTED] pointed out that SIFN lost the funding for a recreation director. Suicide and suicide attempts are a big issue in Sheshatshiu. Recreation is seen as an important activity for all ages and it needs to be brought to the table and work closely with partners to help find a solution. The SIFN Youth Centre will be open in the very near future.

[REDACTED] noted that Health Canada recently announced \$69 million going out over 3 years for crisis intervention teams to provide services in First Nations across Canada and to provide a national crisis hotline. They will meet on Friday to discuss the possibilities for the Atlantic Region. We need to continue to work together moving forward.

On behalf of INAC, [REDACTED] noted that it's encouraging to see the work being done with the Innu through the tripartite. He highlighted the devolution of the Income Support Program and re-establishment of the IS Sub-Committee as significant progress. [REDACTED] also mentioned the department would be working with the Innu through the IRT Sec on a CYFS Prevention Strategy.

[REDACTED] congratulated [REDACTED] on her appointment as the Executive Director/IRT Secretariat and Chair of the IRT Meetings. He mentioned that the premier will be in Goose Bay at the Expo in June. [REDACTED] said that CYFS is excited about the opportunities with increased funding under a federal enhanced prevention program. By working hard together, all services will provide better support to families.

ACTION LIST UPDATE

a. IRT Secretariat

The 2015/16 IRT Sec reports have been finalized and submitted to HC, INAC and NL. Copies of the completed annual workplan and consolidated financial report are available and will be posted to the IRTSEC.ca website. One outstanding item from the 2015/16 workplan will be carried forward: the sub-committee on Justice has been difficult to establish, but all other items were completed. Financially, total revenue in 2015/16 was \$2,226,580 and expenditures were within forecast totaling \$2,225,620.

Action Items

- ***INAC and HC to provide responses to the IRT Sec 2015/16 financial and program reports.***

The IRT Sec Board is fully operational and conducted a board meeting on June 13th. Resolutions to amend the signing authorities for the Income Support Program bank account (for payments less than \$1000) and to establish administrative protocols for the Executive

Director were approved. The Board also approved the Interim Finance Policy and budget for 2016/17. **Note: Minutes have been posted to the IRTSEC.ca website.**

The IRT Workplan and Expenditure Forecast/Budget 2016/17 was presented: total revenue (INAC, HC and NL-CYFS) is projected at \$2.6M and a balanced budget is forecast. Total revenue for the year is expected to exceed \$3M once the projected costs of the Income Support Program are adjusted to reflect accurate caseloads in both communities.

b. Income Support Program

██████ confirmed that the IRT Sec assumed responsibility for program delivery and management functions of the Income Support Program in Sheshatshiu and Natuashish on April 1st, 2016, pursuant to the transition plan approved by all three parties. Sixty (60) active client files were transferred from NL/AES in March and IS assistance levels have doubled in the first two months. New applications for eligible recipients are being processed with a turnaround time of three days as the average from application to payment. There are currently 10 files in Natuashish and that total is expected to increase with monthly visits by Client Service Officers. The budget will be adjusted to reflect the need. The first quality assurance review (by INAC and NL-AES) went well. The report is expected soon. The second review is planned for next week. Integrated Case Management plans are being developed for clients and several initiatives are being researched - wage subsidy program and community freezer.

INAC, ██████ noted that there will be a teleconference in the next couple of weeks in regards to the IS Sub-committee. ██████ mentioned the child tax benefit and that it should be discussed with the tripartite. ██████ suggests it be brought up with the committee and then they move from there.

Chief ██████ asked about outpost in regards to Income Support. ██████ mentioned that clients proceeding to Outpost can receive a lump sum amount for the length of time that they will be gone and then they will continue to get regular payments once they return to the community. A letter from the band's outpost manager/coordinator is required for each client.

Action Items

- **INAC to adjust the 2016/17 Income Support Program budget/Cashflow based on approved expenditure projections. Note: IRT Sec projection has been submitted and adjustment confirmed by INAC June 28th.**
- **INAC and NL-AES to provide the draft QA report for May IS expenditures.**
- **IS Committee to meet and establish priority workplan.**
- **IS Committee agenda to include plan to resolve the outstanding issue of the CTB.**
- **IRT Sec to implement schedule of monthly CSO visits to Natuashish.**

c. Justice Sub-Committee Update

██████ mentioned that there have been a number of challenges to establishing a joint justice sub-committee of the IRT as planned. One significant obstacle has been the discrepancy in support and coordination services in Natuashish vs Sheshatshiu. In 2015, NL-Justice representatives indicated a willingness to consider a proposal for MIFN to establish

community justice workers (similar to the 4 positions/functions in SIFN funded by the province). The IRT Sec engaged a consultant to assist MIFN and Chief [REDACTED] submitted the modest proposal in Dec 2015. Chief [REDACTED] confirmed that he was therefore surprised that the province's response (Mar 1st, 2016) was to turn down the request. With these supports in place, MIFN would be able to provide services within the community and provide capacity to engage in the justice committee. Chief [REDACTED] asked if the province could reconsider their proposal.

[REDACTED] indicated that although the province recognizes the circumstances in Natuashish, given the financial situation, NL is unable to support the proposal at this time. He recognizes not having the services in Natuashish that they have in Sheshatshiu will make it very hard for the two communities to meet and discuss their common issues.

In Sheshatshiu, the Justice Coordinator, [REDACTED] has established a youth justice committee. The three day meeting in February indicated a high interest for healing circles rather than the mainstream justice process. [REDACTED] reported that the community recently conducted their first healing circle in many years and it was very successful. He mentioned that the healing circles (which focus on the history and background causes of the incident) are expected to be more effective than the provincial court system. He also thinks the community should think about policing, and having the courts held in the community again.

[REDACTED] spoke to what a benefit it would be to have Innu speaking people in the court to help with understanding. [REDACTED] said people have problems with getting transportation to court in Goose Bay and if they miss it, it tends to be postponed for months down the road. [REDACTED] also mentioned that CYFS requires sufficient notice to arrange taxis but they will do that for parents where required.

Action Items

- **NL to reconsider the MIFN Justice Proposal.**
- **IRT Sec to continue efforts to establish the Justice Committee.**

d. Child Youth & Family Services

[REDACTED] spoke about the Innu Care Approach which was recently referred to as the "Innu Care Model". [REDACTED] noted the work around the presentation of the Innu Care Approach continues to evolve and is now working to incorporate text/descriptions of each of the slides. The Innu Care approach depicts Innu values and guiding principles. It sends a strong message to non-Innu that Nutshimit is the home of the Innu and how the culture is so important to "Re-Building Healthier, Sustainable, Resilient Innu Communities, Individuals and Families". [REDACTED] made reference to the Provinces recent approval of a proposal submitted by the SIFN Social Health Department. The proposal aligns with the vision found in the Innu Care Approach. The funding will enable clients of the Sheshatshiu Group Home to take part in Innu Cultural activities. [REDACTED] mentioned the IRTS are working with the CWLC to try and describe the model/approach in operational terms to define program practice guidelines. [REDACTED] has been invited to present at the CWLC national meeting in BC in October. [REDACTED] said the funding for her position has been continued for this year and her work will continue. The Working Relationship Agreement has enabled partners to move towards work that encompasses the integration of utilizing prevention services to support Children and

Families in need. The more the community health workers are involved the better for the children and families.

The IRT Sec has been coordinating a planning initiative for Community Placement Resources for the last year. The proposal to re-profile the SIFN Group Home to an operational level 4 facility, fully funded by NL, is being finalized and submitted to NL-CYFS. The IRT proposal to develop a more comprehensive framework for planning placement resources in both communities, using the Innu Care Approach has also been finalized and will be submitted to NL-CYFS.

INAC, [REDACTED] confirmed that the IRT has been invited to submit a proposal to access new funding which has been made available for prevention services and strategies. Funding is available immediately for approved initiatives as part of a prevention plan. [REDACTED] mentioned that the Innu had developed a prevention business plan in 2014 to access the Enhanced Prevention Funding Approach; however, that INAC policy has been on hold for the past two years. He mentioned that the Innu CYFS planning team is in the process of updating that plan with recent developments and a new proposal will be submitted in July.

[REDACTED] raised a question to the Province around the delivery of Pride training in Sheshatshiu. The Province advised the training was underway this week in Sheshatshiu for foster parents and a total of 14 participants were expected to take part.

Action Items

- **IRT Sec will coordinate the refinement of the Innu Care Approach.**
- **IRT Sec will coordinate the development of a prevention service proposal.**

5. HEALTH UPDATE

a. **IMC Report** (See attached) presented by the new IRT Health Coordinator, [REDACTED] IMC had a meeting on May 18th. The draft workplan for 2016/17 is in place.

The DWWG (Diabetes) held a meeting on April 21st. The Management Action Plan for the Diabetes Assessment is the focus of operations and the recommendations are being implemented; however, the development of a Diabetes Strategy is on hold pending funding support. The working group plans to meet 4 times/year, instead of 6.

The MHA (Mental Health and Addictions) Working Group is currently inactive. The group requires a chair to continue with the meetings. A call letter was sent out to working group for a chair/co-chairs, a response is pending from the working group members. [REDACTED] offered if HC could be of any assistance in this area. The Innu welcomed HC to encourage HC representatives on the MH&A Working Group to respond to the request in the letter.

The MCH (Maternal Child Health) Working Group is also inactive, but in the process of being reorganized under following a management review. The newly-established Innu Child Health Coordinator is in place and currently working on this as a priority.

The HiM (Health Information/Data Management) Working Group recently updated their Terms of Reference. A report has been prepared and should be distributed by the end of June.

b. Youth Health Project Report (see attached)

██████████ and ██████████ presented *The Voices of Labrador Innu Youth*, a summary report of the results of the Youth Health Initiative activities in Sheshatshiu and Natuashish in 2015/16. The top 3 health problems seen by youth in Natuashish: 72% sniffing gas, 58% drugs/marijuana, 40% smoking. Sheshatshiu: 3 hardest things youth face today, drugs, drinking/alcohol, bullying/abuse. ██████████ says this is the first time she has seen issues right from the community youth. Usually people just focus on the adults. Chief ██████████ says the presentation makes him think about what he needs to do for the youth. We are trying to pave a road for the children that will be our future leaders. It was noted that the presentation had a very powerful message. ██████████ noted that HC has funded the follow up initiative for 2016/17 and the IRT Sec is coordinating the development and implementation of community youth action plans based on the results of the work in 2015/16.

Action Items

- *The Youth Health Coordinators will be invited to provide an update at a later IRT Meeting.*

c. 2016/17 Capacity Development Projects (see attached)

██████████ and ██████████ outlined the health capacity development initiatives for 2016/17. All approved projects have been implemented and contracts with various service providers are either in place or in the process of being finalized. The proposal to develop a Diabetes Strategy is still under consideration by HC.

Action Items

- *IRT Sec to provide monthly status reports on the 2016-2017 capacity development projects.*
- *HC to provide a response to the IRT Sec regarding the Diabetes Strategy project.*

6. OTHER BUSINESS

- FSR - ██████████ (former FSR) announced that his contract (with INAC) as a federally appointed representative was not renewed in 2015/16. He is disappointed in the lack of communication that would be useful in a transition of the role. He thanked the Innu Leaders and spoke kindly of the last 2 1/2 years in his position of Federal Special Representative to the Innu Round Table. He leaves the position, and hopes he was successful in facilitating some progress across a broad range of intergovernmental issues between the Innu Round Table principals/parties.
- Chief ██████████ announced that MIFN is engaging in a community consultation process to change the band election codes. He hopes the proposed changes will be decided by the community in September so that the new regulations will be implemented for the next election.

7. NEXT IRT MEETING

It was agreed that the IRT Meeting #17 will take place on October 6th in St. John's, NL as the preferred location. Pre-meetings will be conducted on October 5th.

The principals were also asked to consider holding an IRT Meeting # 18 in Ottawa Dec 7/8th.

Action Items

- **IRT Sec to coordinate details for the next IRT Meeting to be conducted in St John's on Oct 6th.**

Prepared By: [REDACTED]

Reviewed By: [REDACTED]

ATTACHMENTS:

Agenda
List of Participants
IRT Sec Completed Workplan 2015-16
IRT Sec Operational Workplan and Budget 2016-17
Income Support Program – presentation
IMC Report
Youth Health Project Presentation - The Voices of Labrador Innu Youth
2016/17 Capacity Development Status Report – June 2016

IRT MEETING June 15th 2016 – List of Participants

Name	Organization	Phone	E-mail
[REDACTED]	SIFN Health	[REDACTED]	[REDACTED]
[REDACTED]	SIFN	[REDACTED]	[REDACTED]
[REDACTED]	IRT Secretariat	[REDACTED]	[REDACTED]
[REDACTED]	IRT Secretariat	[REDACTED]	[REDACTED]
[REDACTED]	IRT Secretariat	[REDACTED]	[REDACTED]
[REDACTED]	MIFN	[REDACTED]	[REDACTED]
[REDACTED]	LHS/FNIHB	[REDACTED]	[REDACTED]
[REDACTED]	INAC	[REDACTED]	[REDACTED]
[REDACTED]		[REDACTED]	[REDACTED]
[REDACTED]	Innu Nation	[REDACTED]	[REDACTED]
[REDACTED]	Chief MIFN	[REDACTED]	[REDACTED]
[REDACTED]	IRT Secretariat	[REDACTED]	[REDACTED]
[REDACTED]	IRT Secretariat	[REDACTED]	[REDACTED]
[REDACTED]	SIFN Health	[REDACTED]	[REDACTED]
[REDACTED]	Chief SIFN	[REDACTED]	[REDACTED]
[REDACTED]	FNIHB	[REDACTED]	[REDACTED]
[REDACTED]	SIFN Council	[REDACTED]	[REDACTED]
[REDACTED]	HC – FNIHB	[REDACTED]	[REDACTED]
[REDACTED]	HC – FNIHB	[REDACTED]	[REDACTED]
[REDACTED]	Chignecto	[REDACTED]	[REDACTED]
[REDACTED]	CYFS	[REDACTED]	[REDACTED]
[REDACTED]	CYFS	[REDACTED]	[REDACTED]
[REDACTED]	LAAO	[REDACTED]	[REDACTED]
[REDACTED]	LAAO	[REDACTED]	[REDACTED]
[REDACTED]	INAC	[REDACTED]	[REDACTED]
[REDACTED]	SIFN	[REDACTED]	[REDACTED]
[REDACTED]	MIFN Council	[REDACTED]	[REDACTED]
[REDACTED]	MIFN	[REDACTED]	[REDACTED]
[REDACTED]	MIFN	[REDACTED]	[REDACTED]
[REDACTED]	MIFN	[REDACTED]	[REDACTED]



AGENDA

CYFS Meeting – Oct 5, 2016

Delta Hotel, St. John's, NL

Tea/Coffee/Gather	10:15
Current CYFS Statistics (NL/CYFS)	10:30
Working Relationship Agreement	10:45
CLSW work update	
- Case Reviews	
- Review of WRA	
Labrador Innu Prevention Initiative	11:05
Innu Care Approach (Update)	11:20
Prevention Services	11:30
Placement Resources Planning	11:45
- Priorities in Natuashish – Placement Options	
Conclusions/Next Steps	12:00



AGENDA

Innu Round Table Meeting

October 6th, 2016

Delta Hotel, St John's, NL

COFFEE/TEA	8:30 am
1. Introductions - All	9:00
2. Review Agenda - Chair	9:10
3. Review Notes/Decisions/Action Items from Previous Meeting	9:15
- IRT Meeting June 2016	
4. Opening Comments from the IRT Members:	9:30
- Innu Leaders	
- INAC, HC, NL	
5. Action List Update:	9:45
a. IRT Workplan & Budget 2016/17	
COFFEE BREAK	10:00
b. Income Support	10:15
- Program Implementation Update	
- Quality Assurance Reviews	
- IS Sub-Committee	
c. Justice Sub-Committee Update	10:45
d. Child Youth & Family Services (NL/Innu/INAC)	11:00
- Overview of Statistics	
- Status of Working Relationship Agreement (Implementation and review)	
- Labrador Innu Prevention Initiative	
o Proposals	
o INAC Response	
- CYCP Legislative Review	
LUNCH (Provided)	12:00
6. Health Update	1:15pm
- HC - Status of LHS (positions/funding/functions)	
- IMC Report (DWWG, FASD, MHA, MCH, HiM) and NIHB Task Group	
- Health Status Report - HiM Project	
- Status of Capacity Development Funding and Initiatives 2016-17	
7. Other Business	2:30
8. Next IRT Meeting	3:30

Handwritten note:
H. P. 12/2/2016
Child & Family
Approach

Agenda:

Wednesday, May 25 2016 10:00 am to 2:00 pm, Eel Ground First Nation Band Office (upstairs Boardroom)

Draft Agenda:

10:00 - 1. Revised Budget - consistent with actual Letters of Agreement signed by the six (6) service providers. The estimated total cost of the project has not varied from the original proposal.

10:15 - 2. Financial Report - Itemized cost of project to date.

10:30 - 3. Update and discussion on project activities (available Project Team members join this part of meeting to provide information and respond to questions):

a. Elsipogtog Agency

- Request from agency for project funding to pay part of costs of a facilitator for community consultation & information meetings on incorporating enhanced prevention and traditional child welfare practices in the CFS agency's work.

11:00 - b. Maliseet (Wolastoqiyik) Agency

11:30 - c. Mi'kmaq Agency

12:00 - Light working lunch

12:15 - Update & discussion continued...

01:15 - 4. Phase III - Transition to new model, next steps.

01:45 - 5. New business

02:00 - Adjournment

CFS Aggregation Project Working Group - Minutes

**Wednesday, May 25 2016
10:00am to 2:00pm
Eel Ground First Nation
Band Office (upstairs Boardroom)**

Agenda:

1. Revised Budget - consistent with actual Letters of Agreement signed by the six (6) service providers. The estimated total cost of the project has not varied from the original proposal.

a) Information provided on revision to consulting fees based on changes to perceived need (i.e. facilitation of meetings) and of actual agreements signed with service providers.

b) Total project cost has not varied as a result of adjustments to some of the projected costs.

The revised budget is approved.

2. Financial Report - itemized cost of project to date.

a) Working Group (WG) is provided with report on fees paid to date (\$79,887.60 as of May 19 2016). Work is intensifying and it is expected that costs will accelerate in May & June. INAC suggests that a request be sent for the advance of the remainder of the project funds.

Note: A second all-staff is being planned for the Mi'kmaq Agency and Elsipogtog has requested support from the Project Team to facilitate a community engagement meeting so it is expected that further adjustments will be required. However, these should be able to be accommodated within the approved total funding for Phase II.

b) WG is provided with report on Travel Costs to date (\$7,874.03 as of May 19 2016). Travel expense costs are well below projections to date.

3. Update and discussion on project activities (available Project Team member joins this part of the meeting to provide information and respond to questions):

a. Elsipogtog Agency

Agency indicates that it has approval from Chief & Council to incorporate CFS agency. Agency prefers to proceed with community engagement session and wait to see proposed agency model before undertaking further steps.

Request from agency for project funding to pay part of costs of a facilitator for community consultation & information meetings on incorporating enhanced prevention and traditional child welfare practices in the Elsipogtog CFS agency's work.

Description -

"The Elsipogtog Child and Family Services will continue to provide child protection as per the provincial legislation under the new Model but the new Agency will focus on prevention and on maintaining and enhancing a Mi'gmaq cultural approach appropriate to Mi'gmaq families in their community.

The goal of the community engagement process is to create greater community ownership of child welfare and protection

services in Elsipogtog as well as to feed into the development of **prevention standards** for child and family services. They also wish to provide information on the child and family services currently being delivered and to obtain input into the new agency model. Another expectation is that through a greater community ownership, there would be a corresponding decrease in protection cases. A cultural approach will be assumed throughout the process and how that looks like will be discussed.

The request is for an individual to assist the Agency in the design and delivery of four focus groups for the following groups:

- . Youth 15 years and older
- . Single mothers
- . Adults
- . Grandparents

Agency is also requesting that a report be prepared with the findings of these focus groups.

It is anticipated that these sessions will take place back to back over the course of two days to save on travel and time. The potential dates identified are June 15-16, 2016 and the location will be in the community of Elsipogtog.

The deliverables arising from this process will be the following:

- . Data collection tools to be used in the focus groups
- . 4 focus group sessions
- . Report of the findings arising from the 4 focus groups

The anticipated overall cost in fees (not counting travel) will be \$7,800 including preparatory time, design of data collection tools, actual delivery, data analysis and report preparation (including draft and finalization)."

WG approves funding for a facilitator (Project Team member) to assist with the community engagement session at Elsipogtog at the cost identified above (plus travel and accommodation expenses).

b. Maliseet (Wolastoqiyik) Agency

Director indicates that Wolastoqiyik Chiefs should be meeting soon and he will try to get CFS on the agenda. He believes there is still some work but indicates that the Chiefs are working more together as they develop plans for a Tribal Council in the near future.

c. Mi'kmaq Agency (other Directors join this part of meeting).

The Mi'kmaq CFS Directors have met regularly since last year to advance the Mi'kmaq agency and those meetings have become more frequent since the start of Phase II of the aggregation project.

Since they have been eager to support the efforts to develop a new model, they have worked closely with the Project Team to develop an Org Chart, a Plan of Establishment and job descriptions for new positions that will allow a child welfare approach more focused on prevention and early intervention (prevention units, for example). The new model would also include Aboriginal Cultural Counselors to support the enhancement of traditional practices and culturally appropriate prevention services.

The effort has included identifying how to improve working conditions and benefits in line with provincial employees doing comparable jobs (Department of Social Development).

The Mi'kmaq agency group has also begun discussing how to update the First Nations Child Welfare Practice Standards and incorporate prevention guidelines. The standards were last updated in 2004 and new approaches (Family Group Conferencing) have been adopted since then and have not been incorporated in the standards.

The WG agrees that First Nations Standards are essential but that they need to be updated and maintained. This issue will remain a standing item in future WG meetings.

There is some discussion but no conclusion as to whether PNB could provide assistance in the process of updating the First Nations Practice Standards.

The Mi'kmaq CFS Directors (serving all Mi'kmaq First Nations, except Elsipogtog) expressed their support for the new model but some concern that the political will to adopt it is not yet confirmed. It is hoped that the Chiefs will soon be briefed on the new model and brought up to date on the work being done.

4. Phase III - Transition to new model, next steps.

The CFS Directors have raised from time to time the question of INAC support for the process moving forward, i.e. the actual transition from the existing agencies to the three-agency model. This would require funding to set up the corporation Boards of Directors, provide for the hiring of interim CEOs and the retention of expertise and support for the setting up of the new agencies. It should also be noted that, in some cases if not most, existing CFS agency space is inadequate to house additional staff. This means that some infrastructure funding could be required outside of agency operational budgets.

INAC officials expressed the department's ongoing support for aggregation.

Eventually, Phase III (Transition Plan) proposals will have to be submitted for approval.

Discussions confirm that each agency will be allowed to proceed at its own pace so that if one agency has obtained the required approvals from Chiefs and Band Councils involved, then that agency could move to the next phase. The others would do so if and when they are ready to proceed and once First Nations leadership has confirmed approval of the model.

5. New business

There is agreement that the WG should develop Terms of Reference to clarify its role in the future. It has to date coordinated the efforts leading to aggregation and provided oversight for the process, approving project proposals, fine-tuning the idea of aggregation and informing the various parties in the discussions. Joe Behar had circulated a rough draft of possible Terms of Reference for the WG.

The draft Terms of Reference for the Working Group will once again be circulated.

It was decided that these Terms of Reference could be reviewed and brought to the WG for consideration. This will remain on the WG Agenda for coming meetings.

Meeting adjourns.

Agenda:

Wednesday, July 20 2016 10:00 am to 2:30 pm Boardroom 2A, 551 King Street - PNB Social Development Fredericton

10:00 - 1. Revised Budget - Extension of the project completion date, the Elsipogtog community consultation sessions, some additional work required from consultants and a request from Mi'kmaq Chiefs to organize a workshop on the new model have necessitated further adjustments to the project budget. The estimated total cost of the project has not varied from the original proposal. A detailed revised budget will be available on or before the date of the meeting.

10:30 - 2. Financial Report - itemized cost of project to date.

11:00 - 3. Update and discussion on project activities (available Project Team members join this part of meeting to provide information and respond to questions):

- a. Elsipogtog Agency - report on community consultation & information meeting on incorporating enhanced prevention and traditional child welfare practices in the CFS agency's work - held in Elsipogtog on June 14 & 15.
- b. 11:30 - b. Maliseet (Wolastoqiyik) Agency
- c. 12:30 - c. Mi'kmaq Agency - report on the presentation to the 9 Mi'kmaq Chiefs on June 20 and request for a workshop on the new model. - request from Esgenoôpetitj Chief for presentation to new Band Council

01:15 - 4. Practice Standards & Prevention Guidelines update - The latest revised budget now provides for some funding to update the First Nations Practice Standards. One option could be to identify and hire a consultant who could work under the guidance of a committee made up of 2 FN Social Workers from each of the three proposed agencies (Mi'kmaq, Elsipogtog & Maliseet) . The committee might be chaired by a provincial official who could ensure that it take full advantage of the work that has recently been carried out by PNB in updating the provincial standards and ensuring they are culturally appropriate. There does not appear to be any Prevention Standards but it should be possible to develop guidelines

01:45 - 5. Draft Working Group Terms of Reference

02:15 - 6. New business

02:30 - Adjournment

CFS Aggregation Project - Phase II
Working Group Meeting Agenda
October 3, 2016

1. Revised Budget – More delays in obtaining BCRs has resulted in a further extension of the project completion date to October 31. The estimated total cost of the project has not varied from the original proposal. A detailed revised budget and financial report has been circulated to WG members.

2. Financial Report - itemized cost of project to date has been sent to WG members.

3. Update and discussion on project activities.

- a. Elsipogtog Agency
- b. Maliseet (Wolastoqiyik) Agency
- c. Mi'kmaq Agency

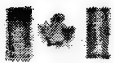
4. Practice Standards & Prevention Guidelines update – Discuss options to update the First Nations **Practice Standards**. One option could be to identify and hire a consultant who could work under the guidance of a committee made up of 2 FN Social Workers from each of the three proposed agencies (Mi'kmaq, Elsipogtog & Maliseet) . The committee might be chaired by a provincial official who could ensure that it take full advantage of the work that has recently been carried out by PNB in updating the provincial standards and ensuring they are culturally appropriate. There does not appear to be any **Prevention Standards** but it should be possible to develop guidelines

5. Draft Working Group Terms of Reference – these have been circulated to all WG members. I have not received any feedback.

6. Transition and implementation - Discussion of options for transition and implementation of new model for those agencies who have developed the model, organisation chart, obtained political approval and are ready to adopt the new model.

- a. Funding
- b. Process
- c. Options for any agency not yet ready to transition

7. New business



Indigenous and
Northern Affairs Canada

Affaires autochtones
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Y-99-000508
CIDM # 1758284

All Alberta First Nations
Chief and Council

RE: Canadian Human Rights Tribunal decision and Budget 2016

I am writing to keep you informed of the next steps taken by the Government of Canada as a result of the recent Canadian Human Rights Tribunal (CHRT) decision and the announcement of Budget 2016 with respect to the First Nations Child and Family Services Program. The Government of Canada fully supports the CHRT decision and has already taken steps to address key concerns related to the delivery of First Nation child and family services on reserve, through Budget 2016.

To support both the immediate needs of First Nation children and to begin a process of reform to strengthen the First Nations Child and Family Services Program, Budget 2016 proposes to invest nationally \$634.8 million over 5 years in the First Nations Child and Family Services Program. Specifically, the investments nationally are proposed as: \$71.1 million in 2016/17; \$98.6 million in 2017/18; \$126.3 million in 2018/19; \$162.0 million in 2019/20; and \$176.8 million in 2020/21 and ongoing.

Based on Budget 2016 and as a first step, the Government of Canada is providing immediate relief investments to the delegated First Nation Child and Family Service agencies. The investments are to establish stability for front-line services and ensure continued access to these services for First Nation children and families on reserve as the Government works with its partners to reform the First Nation Child and Family Services program.

Budget 2016 investments are calculated as a top-up, through updated funding formulas, for jurisdictions already under the prevention-based approach. Funding is incrementally phased from Year 1 to 4 (60%, 70%, 80%, 100% and ongoing after Year 5). The proposed incremental approach to investments would allow time for the First Nation Child and Family Services agencies to build their human resource plans, hire and train staff gradually and to expand prevention programming.

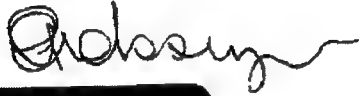
Over the longer term and as we move forward, the Government of Canada will work closely with its partners toward meaningful and lasting reform of the First Nations Child and Family Service Program. INAC will be coming forward with a plan of engagement

Canada

which will include FNCFS agencies. In the Alberta Region, we look forward to advice and support from the Chiefs of Alberta and with all of our partners in Alberta on the engagement plan regarding this important matter.

If you have any questions about the First Nations Child and Family Services Program, the CHRT ruling or next steps on the response to the ruling, please do not hesitate to call myself or Carol Schimanke, Manager, Social Development-CFS at (780) 495-2589. We will also be sharing detailed information with the delegated First Nation Child and Family Services agencies.

Sincerely,



Director
Social Programs and First Nations Relations, Treaty 8
630 Canada Place,
9700 Jasper Avenue
EDMONTON, AB T5J 4G2



Indigenous and
Northern Affairs Canada

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Our file / Notre référence
CIDM#1758118

All First Nation Child and Family Services (FNCFS) agencies
FNCFS Boards
FNCFS Directors

RE: Canadian Human Rights Tribunal Decision and Budget 2016

I am writing to keep you informed of the next steps taken by the Government of Canada as a result of the recent Canadian Human Rights Tribunal decision and the announcement of Budget 2016 with respect to the First Nation Child and Family Services program. As you know, the CHRT decided in favor of the complainants, the First Nations Child and Family Caring Society and the Assembly of First Nations, in January 2016. The Government of Canada fully supports the CHRT decision and has already taken steps to address key concerns related to the delivery of First Nation child and family services on reserve.

To support both the immediate needs of First Nations children and to begin a process of reform to strengthen the First Nations Child and Family Services program, Budget 2016 proposes to invest nationally \$634.8 million over 5 years. Of the \$634.8 million over 5 years, Alberta's portion equates to approximately 19% or \$120.8 million.

Based on Budget 2016 and as a first step, the Government of Canada will provide immediate relief investments to the delegated First Nation Child and Family Service agencies. The investments are to establish stability for front-line services and ensure continued access to these services for First Nation children and families on reserve as the Government works with its partners to reform the First Nation Child and Family Services program.

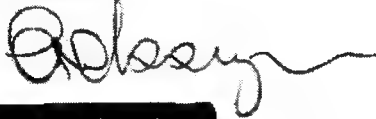
Immediate relief is calculated as a top-up, through updated funding formulas, for jurisdictions already under the prevention-based approach. Funding is incrementally phased from Year 1 to 4 (60%, 70%, 80%, 100% and ongoing after Year 5). The proposed incremental approach to investments would allow time for the First Nation Child and Family Services agencies to build their human resource plans, hire and train staff gradually and to expand prevention programming.

Over the longer term and as we move forward, the Government of Canada will work closely with its partners toward meaningful and lasting reform of the First Nation Child and Family Service program. INAC will be coming forward with a plan of engagement which will include FNCFS agencies. In the Alberta Region, we look forward to advice and support from the Chiefs of Alberta on a process to engage on this important matter.

Canada

Attached is copy of the detailed information for your agency. If you have any questions about the Child and Family Services program, the CHRT ruling or next steps on the response to the ruling, please do not hesitate to call myself or Carol Schimanke, Manager, Social Development-CFS at (780) 495-2589.

Sincerely,



Director
Social Programs and First Nations Relations, Treaty 8
630 Canada Place,
9700 Jasper Avenue
EDMONTON, AB T5J 4G2

Att.



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et du Nord Canada

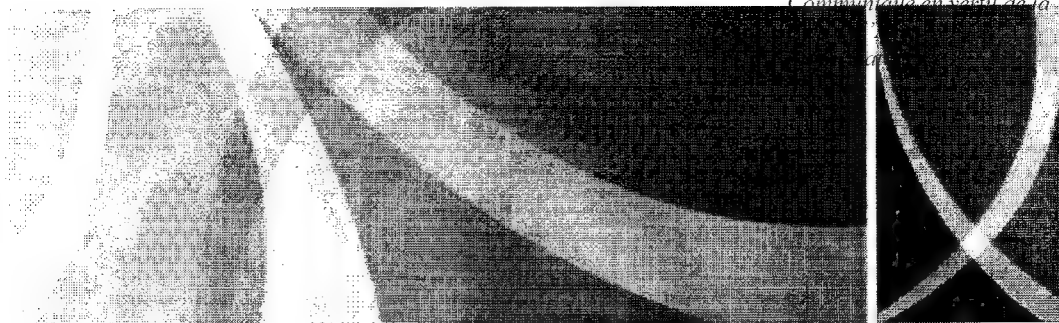
AGENDA

- Opening prayer
- Introductions
- Opening comments
- Presentation
- Health Break
- Q&A

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First Nation Child and Family Services Program

Presentation to FNCFS Directors

May 2, 2016

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Budget 2016

- To support both the immediate needs of First Nations children and to begin a process of reform to strengthen the First Nations Child and Family Services program, Budget 2016 proposes to invest \$634.8 million over 5 years
- Specifically, the investments are: \$71.1 million in 2016-17; \$98.6 million in 2017-18; \$126.3 million in 2018-19; \$162.0 million in 2019-20; and \$176.8 million in 2020-21 and ongoing.

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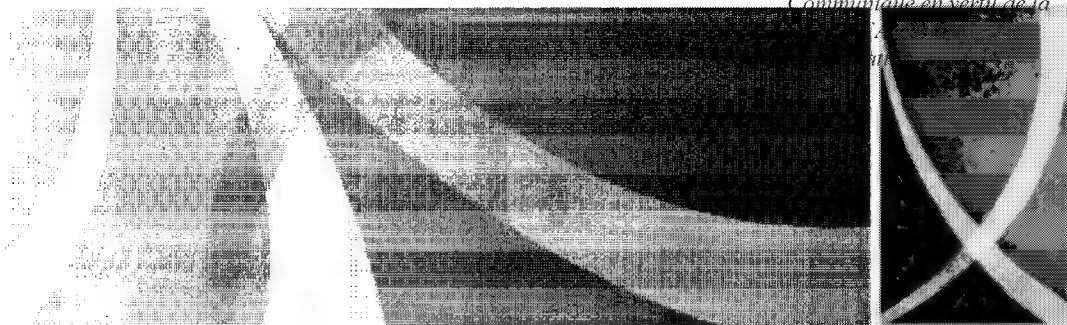
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Alberta Region's Portion of Budget 2016

- Of the \$634.8 million over 5 years, Alberta's portion equates to 19% or \$120.8 million over 5 years

Year 1 @ 60%	Year 2 @ 70%	Year 3 @ 80%	Year 4 @ 100%	Year 5 @ 100%
\$17,688,573.66	\$20,636,669.27	\$23,584,764.88	\$29,480,956.11	\$29,480,956.11



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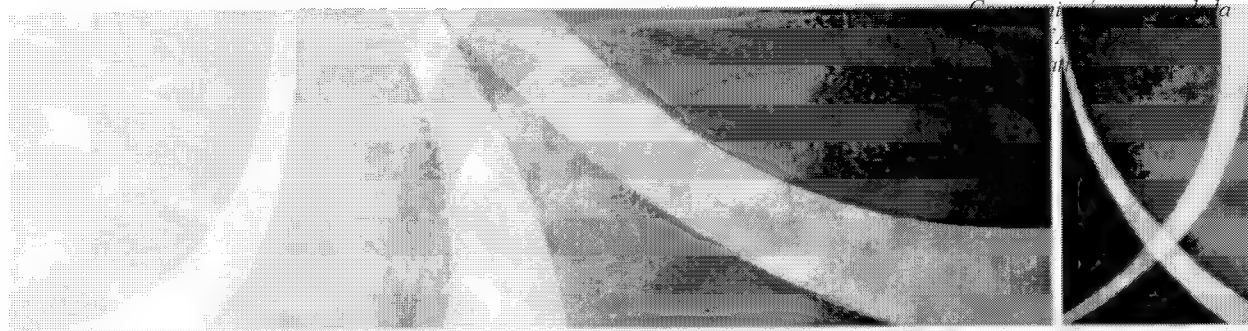


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Program Integrity

- This component is calculated as a top-up, through updated funding formulas, for jurisdictions already under the prevention-based approach (Alberta, Saskatchewan, Nova Scotia, Prince Edward Island, Quebec and Manitoba).
- Funding is incrementally phased from Year 1 to 4 (60%, 70%, 80% and 100% ongoing after Year 5), similar to what was proposed in the 2012 Way Forward deck.



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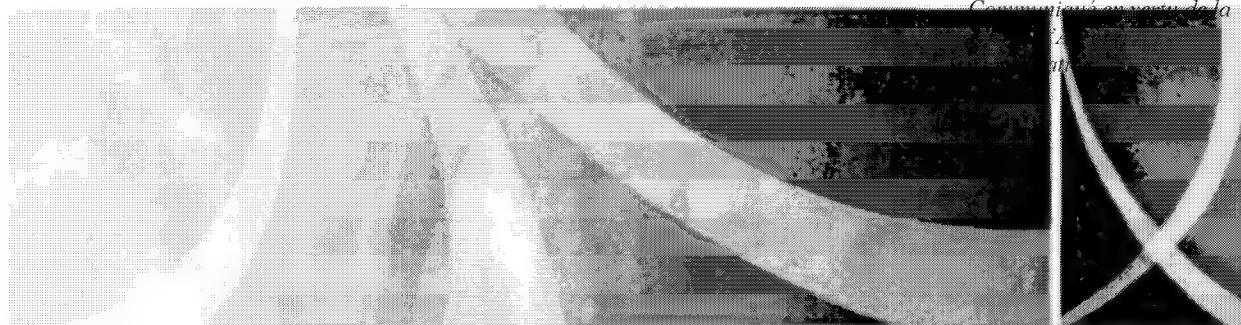
Program Integrity

- The proposed incremental approach to investments would allow time for agencies to build their human resource plans and to hire and train staff gradually, based on the availability of qualified social workers and capacity of the agency to manage a larger complement of human resources, and to expand prevention programming.

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Program Integrity

- Immediate relief consists of 3 main themes:
 1. Fundamental changes to the formula calculation methodology
 2. Revisions to the salaries/amounts previously identified in the formula
 3. New lines added to the formula



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Fundamental changes to the formula calculation methodology

- A base of 6% of the child population is used to calculate the no. of front line staff required to case manage the caseload
 - i.e. for a register child population of 1000, based on the 6% base the agency would be serving 60 children in care. If the caseworker ratio is 20 to 1, then this Agency would be allocated 3 caseworkers
- For Agencies with Children In Care (CIC) over 6%, the 14/15 Actual count is used
- For Agencies with CIC below the 6%, continue to apply 6%

Revisions to the salaries/amounts previously identified in the formula

Formula line item	Amount as at 2006	Updated Amount
Salary Revisions		
Director Salary	\$77,000	\$110,000
HR Staff Salary	\$39,300	\$62,986
Secretary/Receptionist Salary	\$36,000	\$49,486
Financial Support	\$51,000	\$62,637
Front Line Social Worker	\$58,100	\$75,483
Social Worker Supervisor	\$65,500	\$83,781
Support Worker	\$36,000	\$55,119



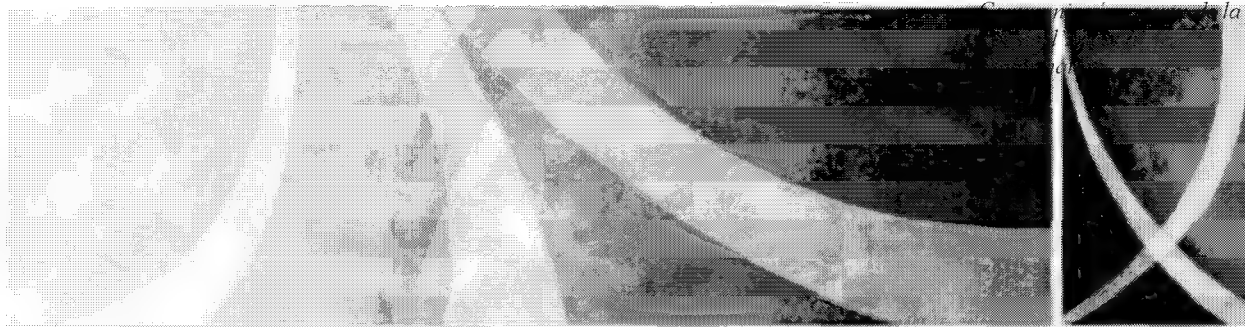


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Revisions to the salaries/amounts previously identified in the formula

Formula line item	Amount as at 2006	Updated Amount
Salary Revisions		
Foster Care Worker	\$58,100	\$75,483
Foster Care Trainer	\$58,100	\$75,483
Case Managers	\$58,100	\$75,483
Family Enhancement Worker	\$58,100	\$75,483



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Revisions to the salaries/amounts previously identified in the formula

Formula line item	Amount as at 2006	Updated Amount
Line item increases		
Audit	\$8,500	\$10,000
Insurance	\$24,000	\$30,000
Legal	\$20,000	\$33,500
Benefits	20%	20.45%
Off Hour Emergency services	5%	7.75%
Service Purchases	\$100/child	\$175/child
Travel for Staff	\$10,000	\$11,000

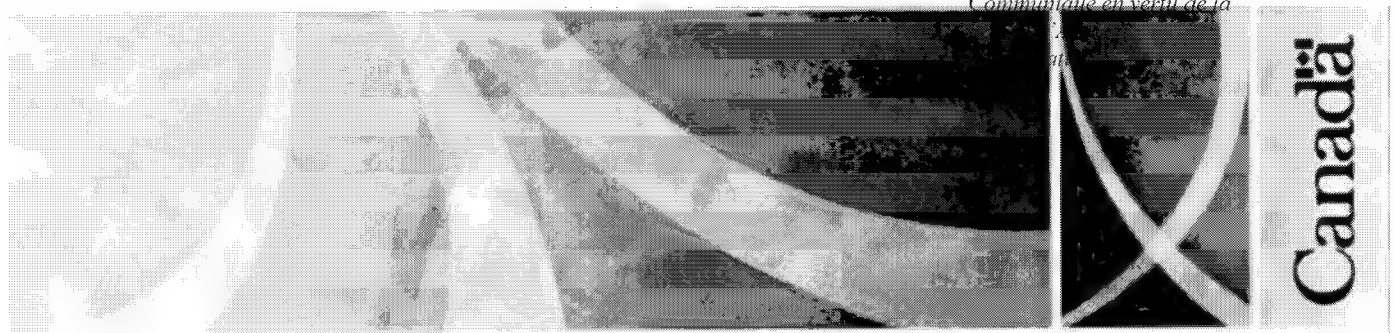


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New Line Items (positions) - added to the formula

- Financial Manager (\$ 74,208)
- Intake worker (\$62,986)
- Assessment/Investigation (\$75,483)
- Community Coordinator (\$62,986)



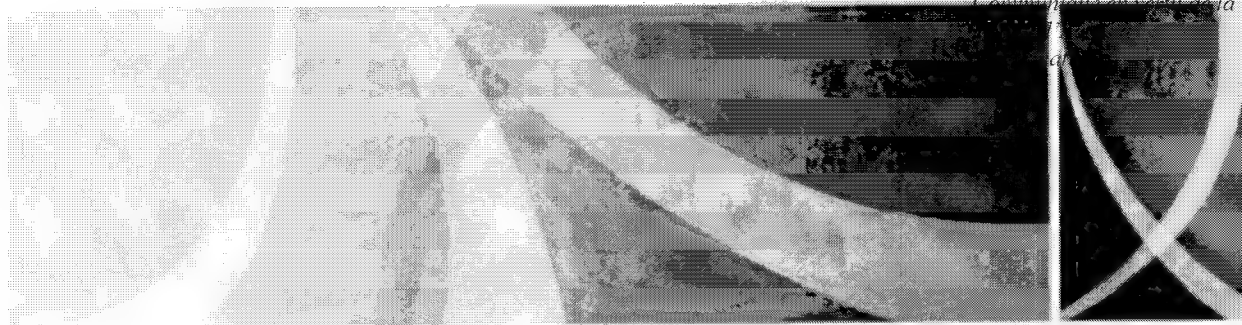


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Next Steps

- Notice of Budget Adjustments (NOBAs) will be completed with 60% cash flow release and 40% being held in the pool until Agency provides a revised Budget for 2016/17.
- Aiming for the first cash release to be June 15th, 2016 or earlier



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Next Steps

- These investments demonstrate the Government's commitments to improving its relationship with First Nation people and outcomes for First Nation children and families.

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Next Steps

- Over the longer term and as we move forward, the Government of Canada will work closely with its partners toward meaningful and lasting reform of the First Nation Child and Family Service program.
 - In the Alberta Region, we look forward to advice and support from the Chiefs of Alberta on the engagement plan regarding this important matter



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ANNEX I

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See distribution list

MAY 09 2016

Dear Colleagues:

As you may be aware, on January 26, 2016, the Canadian Human Rights Tribunal ordered Indigenous and Northern Affairs Canada (INAC) to cease discriminatory practices in the provision of services under the First Nations Child and Family Services Program and take measures to redress and prevent it. The Tribunal also ordered the department to cease applying its narrow definition of Jordan's Principle and take measures to immediately implement the full meaning and scope of Jordan's Principle.

The Government of Canada accepts the Tribunal's decision and is committed to reforming the First Nations Child and Family Services Program and addressing the scope of Jordan's Principle to ensure First Nations children are not caught in jurisdictional disputes between federal departments and/or various levels of government in relation to payment for social and health services programming.

As a further step, this June INAC and Health Canada would like to initiate discussions with you and your representatives to assist us in setting the direction of the engagement process to reform the First Nations Child and Family Services Program, and in implementing Jordan's Principle within the health and social services context as described in the Tribunal's decision.

To this end, it would be helpful if you could please identify a lead official, and forward their contact information to Cassandra Lang, Director of Children and Families Directorate at Cassandra.Lang@aadnc-aandc.gc.ca and to Tracey Hazelwood, Senior Policy Analyst at Tracey.Hazelwood@hc-sc.gc.ca.

We look forward to your response and working collaboratively with you on this very important issue.

Sincerely,

Paula Isaak
Assistant Deputy Minister
Indigenous and Northern Affairs Canada

Sony Perron
Senior Assistant Deputy Minister
Health Canada

Canada



JUL 06 2016

See distribution list

Dear Colleagues:

Further to our correspondence of May 9, 2016, we would like to thank you for your responses and identification of a lead official to assist in the engagement process to reform the First Nations Child and Family Services Program and Jordan's Principle. We value your commitment to enhance services to First Nations children.

We are pleased to provide you with an update on Jordan's Principle and on the upcoming engagement process. You will find attached a news release that provides further details on the revised application of Jordan's Principle.

Please be aware that the Government will also engage with partners to reform its First Nations Child and Family Services Program and develop an effective long-term implementation plan for Jordan's Principle.

Over the coming months, Health Canada and Indigenous and Northern Affairs Canada will actively engage with provinces and Yukon Territory and First Nations to establish supports that would address gaps in health and social services for First Nation children on reserve with an ongoing disability or who have a discrete, short-term condition.

Regional and Headquarters Executives from both departments will organize follow-up calls with you in the near future to discuss next steps.

If you have not yet had the opportunity to name a lead official, we invite you to forward contact information to Cassandra Lang, Director of Children and Families Directorate, at Cassandra.Lang@aadnc-aadnc.gc.ca or Tracey Hazelwood, Senior Policy Analyst at Tracey.Hazelwood@hc-sc.gc.ca.

This engagement as well as future program reform is dependent on strong partnerships between provinces and Yukon Territory, First Nations, and the federal government.

Your collaboration as we move forward to address the important issue of enhancing services for First Nations children is appreciated.

Sincerely,

Paula Isaak
Assistant Deputy Minister
Education and Social Policy and Programs
Indigenous and Northern Affairs Canada

Sony Perron
Senior Assistant Deputy Minister
First Nations and Inuit Health
Health Canada

Canada

ATTACHMENT A

Joint Statement from the Minister of Health and the Minister of Indigenous and Northern Affairs on Responding to Jordan's Principle

July 5, 2016 - Ottawa, ON Health Canada / Indigenous and Northern Affairs Canada

OTTAWA – The Government of Canada has listened to the concerns raised by the Canadian Human Rights Tribunal and our First Nations partners regarding Jordan's Principle. There is no question – we believe children must receive the health care and social services they need, when they need them.

Today, we are responding to these concerns and announcing a new approach to implement Jordan's Principle. This approach will put the needs of children first and ensure that First Nations children living on-reserve receive the health and social services they need in a timely manner.

The Government of Canada has committed up to \$382 million in new funding to provide support to this new approach and broader definition of Jordan's Principle. This funding will be used to enhance service coordination and ensure service access resolution so that children's needs are assessed and responded to quickly.

Engagement is another important part of the new approach to Jordan's Principle. Both Health Canada and Indigenous and Northern Affairs Canada are actively engaging with First Nations, and jurisdictional partners to establish what supports are needed as well as to find ways to enhance service coordination and prevent delays in receiving health care and social services.

Together, we remain fully committed to meeting this vital goal of responding to the needs of First Nations children living on-reserve and honouring the true spirit of Jordan's Principle.

ATTACHMENT B

Fact Sheet: Jordan's Principle - Addressing the Needs of First Nations Children

The Government of Canada's new approach to Jordan's Principle is a child-first approach that addresses in a timely manner the needs of First Nations children living on reserve with a disability or a short-term condition. It ensures all children have access to the health and social services they need, when they need them. The Government of Canada has committed up to \$382 million in funding to this proactive response. Work is starting immediately and Indigenous and Northern Affairs Canada and Health Canada are already applying the broader definition.

The new approach to Jordan's Principle includes the following key components:

- Enhanced Service Coordination
- Service Access Resolution
- Engagement with First Nations and jurisdictional partners on a longer-term approach

Together, these will ensure that the federal government is positioned to meet the goal of immediately responding to the needs of First Nations children living on-reserve while also working to develop the capacity to proactively identify and manage the support and service needs of vulnerable children.

Enhanced Service Coordination

The Service Coordination function addresses critical gaps for First Nations children living on-reserve. It will address health and social service gaps not met by provinces or the Yukon Territory and improve case management functions of existing federal programs. It will also help to manage costs and support a more comprehensive approach to data collection.

How it will work

Health Canada will administer Funding Arrangements with First Nations organizations to hire a regional Service Coordinator that will:

- assess needs
- facilitate early intervention
- develop integrated care plans
- connect the child and family to needed services
- remove the stress of navigating service systems
- support families as they manage their needs
- involve Jordan's Principle focal points, as necessary, to expediently address immediate service gaps.



ATLANTIC FIRST NATIONS
HEALTH PARTNERSHIP



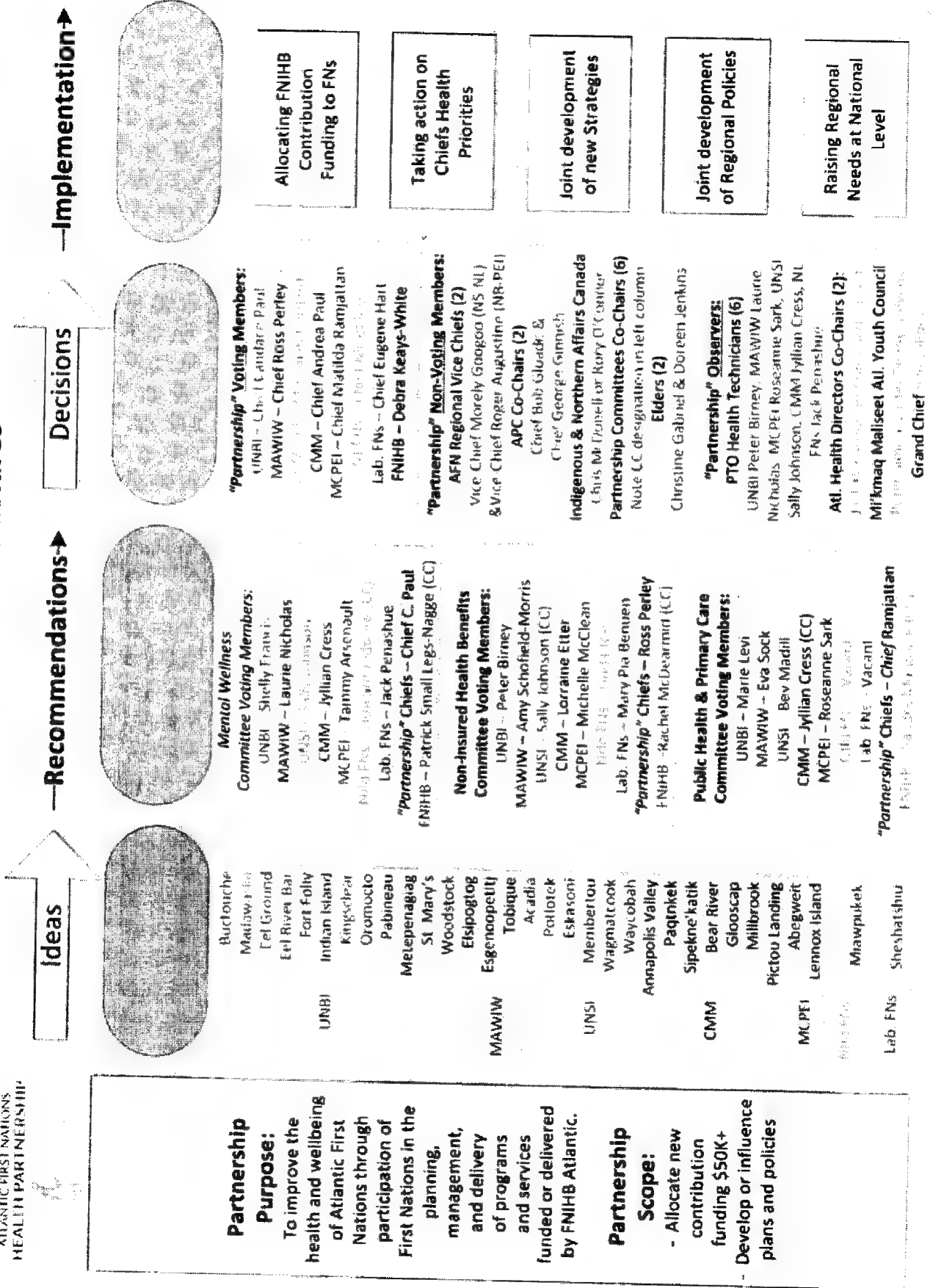
Public Health and Primary Care Committee Update

Health Directors Meeting

July 5-6, 2016

July 2016

Atlantic First Nations Health Partnership: Process and Structures



Approved Health Partnership Items for 2016-17

Approved Partnership
of Health Partnership

	HP Proposed Items for 2016-17	Funding Approved at May 1
1. Healthy Child Development		
a. Autism Support Training (AHSOR)	40,000	40,000
b. Handwriting Without Tears (AHSOR)	20,000	TBD
c. Seeds of Empathy Program (AHSOR)	20,000	TBD
d. Professional Development and Networking session (AHSOR)	75,000	Removed
e. Development of video vignettes of community success regarding children and youth engagement in the health program (AHSOR)	40,000	TBD
f. Identify the health services available and gaps for Atlantic First Nation special needs children (AHSOR)	40,000	Summer Student
g. Promote, Protect and Support Breastfeeding (MCH)	20,000	20,000
h. Aboriginal Parenting Program (MCH)	30,000	30,000
i. Training Session for 120 community based staff in Healthy Child Development Programs (CPNP, MCH, FASD, COHI, AHSOR)	75,000	TBD
j. Adaptation and Training on a brief intervention and screening tool to assess for substance use during pregnancy (FASD)	45,000	TBD
* FASD program funding for 9 Additional FNs (ongoing)	93,000	93,000
Total Healthy Child Development	498,000	183,000
2. Healthy Living/Aboriginal Diabetes Initiative		
a. Food Security Projects and Initiatives (ADI)	87,500	87,500
b. Physical Activity Projects and Initiatives (ADI)	87,500	87,500
c. CDPM Certified Training to community based workers (ADI)	100,000	TBD
d. Development of an exercise in pregnancy resource/tool kit (ADI)	25,000	15,000
e. Diabetes Self-Management Journey (ADI)	100,000	100,000
f. CDPM/ADI Education workshop for community health workers	65,000	50,000
Total Healthy Living/ADI	465,000	340,000
3. Community Health Nursing		
a. Annual Nursing Prof Dev and Networking Session (CHPI/IP)	80,000	80,000
b. NSAT Training (CHPI/IP)	18,000	18,000
c. Nursing Policy Project Updates (CHPI/IP)	35,000	25,000
Total Community Health Nursing	133,000	123,000

4. Primary Care/Home & Community Care		
a. Mental Health First Aid for CHN's (HCC)	45,000	45,000
b. Mental Health First Aid for CCA's (HCC)	45,000	45,000
c. Certified Foot Care Training (HCC)	25,000	25,000
d. Chronic Disease Self-Management for HCN's (HCC)	50,000	50,000
e. Elder Care Working Group (HCC)	10,000	10,000
f. ADI/CDPM Education Workshop (HCC)	35,000	35,000
Total Primary Care/HCC	210,000	210,000
5. Communicable Disease Control		
a. First Nations submit funding proposals to support community level projects that meet community needs and fall within the program	372,634	361,000
Blood Borne Disease & Sexually Transmitted Infection (\$115,000);		
Infection Prevention & Control (\$28,000);		
Respiratory Infection (\$10,000);		
Vaccine Preventable Disease (\$108,000); and		
Communicable Disease Emergencies (\$50,000).		
b. CDC "101" Capacity Building with community health nurses and health directors (NS in 2016-17, NB in 2017-18) (\$50,000)		
Total CDC	372,634	361,000

Total PHPC Committee

1,678,634 1,217,000

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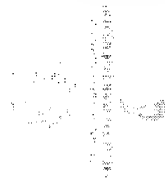


2016-17 PH&PCC Work Plan - Desired Results

1. FNs engagement in FNIHB Atlantic's individual Program Work Plans
2. Communication and collaboration among Partnership Committees
3. Report on the status of FNIHB-AANDC collaboration on emergency planning
4. Planned roll out of national Chronic Disease Prevention & Management Framework and the ADI Strategic Plan
5. Strengthened implementation and progress tracking on the Child & Youth Strategic Action Plan
6. FN awareness of the FN&I Home and Community Care – 10 year Plan
7. FNs supported with the Infection Prevention and Control Cleaning Practice Modules for Health Facilities.
8. First Nation engagement on the potential use of accredited labs for bacteria testing of drinking water
9. Strengthened engagement with FNs and Provs as it relates to PH&PC Programs
10. Enhanced awareness of harm reduction activities in Atlantic FNs
11. Awareness of the TRC Calls to Action related to Public Health and Primary Care
12. Enhanced youth involvement in the planning of health programs
13. Performance measurement framework for Healthy Child programs – starting with FASD Program
14. Understanding health service gaps facing FN children with disabilities
15. Tools for FN health workers to build skills and knowledge to meet core public health competencies
- 16-20. Recommended regional FNs capacity development investments and other regional initiatives in Public Health & Primary Care.

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New Developments in Jordan's Principle

- The federal approach to Jordan's Principle is changing and details are being worked out regarding the implementation of the new approach.
- In the meantime, if you have a First Nation child in your community that has a disability or a discrete condition the requires services or supports that cannot be addressed within existing authorities, regional focal points will work with partners to help find a resolution.
- To reach a federal JP Focal Point in the Atlantic Region, please call and you will be connected:
 - For FNIHB call (902) 426-6201 or 1-866-225-0709
 - For INAC call (902) 661-6346 or (902) 661-6204 or 1-800-567-9604

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Health Director Ideas for PHPC Committee in 2017-18

- Build on last year's process
 - PHPCC solicited ideas at October 2015 HD meeting
 - Response to ideas shared at February 2016 HD meeting
 - Start soliciting ideas earlier this year – HDs are start of cycle
- Process
 - Review last year's ideas
 - Add new ideas with post-it notes
 - Use dots to vote for the idea(s) that are most important to you
- Ideas can relate to:
 - Capacity/project type funding proposals that PHPCC would recommend to the Health Partnership
 - Work Plan ideas for the Committee

Questions/Comments/Ideas

First Nations Co-Chair	Name: [REDACTED] Email: [REDACTED]
FNIHB Co-Chair	Name: [REDACTED] Email: [REDACTED]
Confederacy of Mainland Mi'kmaq (CMMI)	Name: [REDACTED] Email: [REDACTED]
MAWIW	Name: [REDACTED] Email: [REDACTED]
Mi'kmaq Confederacy of PEI (MCPEI)	Name: [REDACTED] Email: [REDACTED]
Newfoundland	Name: [REDACTED] Email: [REDACTED]
Labrador	Name: [REDACTED] Email: [REDACTED]
Union of New Brunswick Indians (UNBI)	Name: [REDACTED] Email: [REDACTED]
Union of Nova Scotia Indians (UNSI)	Name: [REDACTED] Email: [REDACTED]
Chiefs of the Atlantic First Nations Health Partnership	Name: [REDACTED] Email: [REDACTED]

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APC Regional Health Directors Meeting
Crowne Plaza - Moncton
2016-07-05-06

ABORIGINAL FIRST NATIONS
HEALTH PARTNERSHIP

VOTING MEMBERS

PRESENT	ABSENT
Abegweit Health Center	Acadia Health Center
Annapolis Valley Health Center	Bouctouche
Bear River Health Center	Esgenoopetitj
Eel Ground Health Center	Fort Folly Health Center
Eel River Bar Health Center	Indian Island Health Center
Elispogtog Health Center	Kingsclear Health Center
Eskasoni Health Center	Lennox Island Health Center
Glooscap Health Center	Listuguj Health Center
Membertou Health Center	Madawaska Health Center
Metepenagiag Health Center	Micmac Nation of Gaspe
Mlawpukek Health Center	Mushuau Innu Health Center
Micmac Nation of Gespegag	Pabineau Health Center
Millbrook Health Center	Sheshatshiu Innu Health Centre
Oromocto Health Center	
Paqtnekek Health Center	
Pictou Landing Health Center	
Potlotek Health Center	
Sipekne'katik Health Center	
St. Mary's Health Center	
Tobique Health Center	
Wagmatcook Health Center	
Waycobah Health Center	
Woodstock Health Center	

Released under the Access
to Information Act
Communiqué en vertu de la
Loi sur l'accès à
l'information

NON-VOTING MEMBERS

PRESENT		HEALTH TECHS	REGRETS
CMM		Labrador	
MAWIW			
MCPEI			
UNBI			
UNSI			
COMMITTEE CO-CHAIRS			
PHPC Co-Chair		St. Mary's First Nation (HP Co-Chair)	
NIHB Committee Co-Chair		MW Committee Co-Chair	
TREATMENT CENTRE LEADS			
Rising Sun Treatment Centre		NADACA	
Mi'kmaw Lodge Treatment Centre		Eagle's Nest Recovery House	
Wolastoqewiyik Treatment Centre		Lone Eagle Treatment Centre	
		Charles J Andrew Treatment Centre	
GUESTS AND PRESENTERS			
APC		Presenter	
APC		Presenter	
APC		FNIHB	
APC		FNIHB (PHPC Co-Chair)	
APC		FNIHB (NIHB Co-Chair)	
		FNIHB (MW Co-Chair)	
		FNIHB	
		FNIHB	
		Presenter	
		Presenter	

DRAFT MINUTES

AGENDA ITEM	NOTES	ACTION ITEMS
<p>Welcome, Opening Prayer</p> <p>██████████</p> <p>██████████</p>	<p>Vanessa Nevin welcomed the group to the meeting. ██████████ provided an opening prayer.</p>	
<p>1. Review and Approval of Agenda</p> <p>██████████</p>	<p>The draft agenda was reviewed by the assembled Health Directors. It was noted ██████████ was unable to make this meeting and so ██████████ would Chair this meeting. It was also noted that AFN Vice ██████████ was unable to make this meeting, though he would be able to commit to the October meeting.</p> <p>The agenda was amended to accommodate these considerations.</p> <p>MOTION ██████████ moved to accept the agenda SECONDED ██████████ seconded the motion IN FAVOUR All OPPOSED None DECISION The agenda was accepted.</p>	<p>ACTION ITEM 1a: ██████████ to distribute information regarding the AFN-NIHB Review engagement sessions via email.</p>
<p>2. Review and Approval of Previous Minutes</p> <p>██████████</p>	<p>The action items of the February 2016 Health Director's meeting were reviewed.</p> <p>REVIEW AND APPROVAL OF AGENDA</p> <p>2a ██████████ to request a presentation from AANDC on Assisted Living for the next Health Directors' meeting.</p> <p>COMPLETED</p> <p>2b APC ██████████ to draft a letter to FNIHB from the APC Co-Chairs (██████████) advocating for wage parity, particularly in terms of certifications, for Treatment Centre</p>	<p>ACTION ITEM 2a: ██████████ to continue with action item 2b regarding "Wage Parity" from the February 2016 Health Directors</p>

AGENDA ITEM	NOTES	ACTION ITEMS
	<p>workers. [redacted] will Cc the National First Nations Health Technicians Network when this letter is sent.</p> <p>IN PROGRESS</p> <p>DRAFT HEALTH DIRECTORS TERMS OF REFERENCE</p> <p>4a [redacted] to re-draft the conflict management section of the Terms of Reference, minding the Health Directors' input for less restrictive language, and re-distribute for approval.</p> <p>IN PROGRESS</p> <p>APC HEALTH DEPARTMENT UPDATE</p> <p>5a APC to request for the June Health Directors Meeting a presentation from INAC on their priorities around the Social Determinants of Health.</p> <p>COMPLETED</p> <p>5b APC to request for the June Health Directors Meeting a presentation from Regional Chief [redacted] on the Truth and Reconciliation Commission's Calls to Action that relate to Health Care.</p> <p>COMPLETED</p> <p>5c APC to investigate holding the MMAYC/Health Conference during the October Reading Week of 2016.</p> <p>COMPLETED</p> <p>5d Jarvis Googoo to raise the lack of First Nations representation on the New Brunswick Heart and Stroke Foundation at his next NS/PEI Board meeting.</p> <p>COMPLETED</p> <p>5e Thomas Hill to recirculate the FNIHB org-chart, contact list, and committee representation documents.</p> <p>COMPLETED</p> <p>5f APC [redacted] to investigate who represents the Atlantic on national committees and circulate the lists and updates to the Health Directors/ Health Techs.</p> <p>IN PROGRESS</p>	<p>Meeting noting this item is dealing with two separate matters: Wage Parity for Treatment Centre workers, and recognition of accreditation of Health Managers.</p>

AGENDA ITEM	NOTES	ACTION ITEMS
	FNIHB PARTNERSHIP FACILITATION DIRECTORATE	
7a	[redacted] to provide via APC clarification to the Health Directors on how to ensure transparency and confidentiality as the community focus teams engage in their work.	
	IN PROGRESS	
7b	With the help of APC, [redacted] to seek proper First Nations Health Director/Treatment Centre Lead participation on the Community Focus Teams Oversight Committee, clearly outlining the obligations of membership on this committee.	
	IN PROGRESS	
7c	[redacted] to take the Health Directors' suggestion for a newsletter rolling up and summarizing results back to the office for consideration.	
	COMPLETED	
	NIHB COMMITTEE UPDATE	
8a	[redacted] to ask if Family Violence funding can be extended into April.	ACTION ITEM 2a: APC to seek clarification on the particular engagement referenced in the FNIHB response to ACTION ITEM 8a:
	COMPLETED	[redacted] spoke to each health technician re their funding and we confirmed time lines for the [redacted] we did with each tribal council."
8b	[redacted] to check on the time line for the Family Violence support funding to get distributed.	
	COMPLETED	
	PHPC COMMITTEE UPDATE	
11a	Health Partnership Coordinator to circulate [redacted] notes to the Health Directors and Health Techs.	
	COMPLETED	
	MOTION	[redacted] moves to accept the minutes as presented
	SECONDED	[redacted] seconds the motion
	IN FAVOUR	All
	OPPOSED	None

AGENDA ITEM	DECISION	NOTES	ACTION ITEMS
3. Review of "Renewing the Atlantic Chiefs' Health Priority Setting 2016 Summary Report" Horizons	Horizons consulting presented on the work they have done toward renewing the Atlantic Chiefs' priorities on Health. The assembled Health Directors provided feedback noting this work should be aware of articles 22 to 24 of the UN Declaration of the Rights of indigenous Peoples, the social determinants of health, and a deficit of input from traditional knowledge keepers. They also cautioned awareness of the difference between "generational" and "inter-generational" trauma. The Health Directors also heavily emphasized the need for an authentic partnership with other stake-holders as well as the need to have First Nations culture as the foundation from which these priorities are built. The Health Directors also noted their strong relationships with Provincial partners and advocated for their inclusion as a factor when developing new priorities.		ACTION ITEM 3a: Horizons to develop the Health Directors feedback into a one-page summary to be given to the Health Partnership in August, 2016.
BREAK			
4. Nomination of Health Director Co-Chair and Selection Vanessa Nevin	[REDACTED] volunteered to take on the vacant Health Director Co-Chair position. She was accepted by acclamation and will join [REDACTED] (Sheshatshiu Innu First Nation) as the Co-Chair for the Health Directors meetings.		
5. APC Director of Health Update Vanessa Nevin	[REDACTED] led the group through her Department Update including information on <ul style="list-style-type: none"> The most recent Health Partnership Meeting Newfoundland. Increasing First Nations Control Models Aboriginal Health and Human Resources Initiative 		ACTION ITEM 5a: [REDACTED] APC to negotiate with FN/IB to ensure Future cash-flow funding is consistently available for mid-June Health Directors' Meetings.

AGENDA ITEM	NOTES	ACTION ITEMS
	<p>(AHHRI)</p> <ul style="list-style-type: none"> • Mental Health and Addictions Health Conference • APC Multi-Year Health Plan • The TRC Calls to Action • IRS Cultural Support Sessions • Elder Care Working Group • Mi'kmaq Maliseet Atlantic Youth Council (MMAYC) as well as the MMAYC Conference • Staffing at APC. <p>██████████ volunteered to take over ██████████ vacating position on the First Nations Control Models Working Group.</p> <p>██████████ volunteered to sit on the Health Conference Planning Committee</p> <p>The Health Directors suggested "Our Innovations in Health; Celebrating our Successes" as a theme for the 2016 Health Conference.</p>	<p>ACTION ITEM 5b: APC to send out to the Health Directors a listing of Mental Health and Addictions Working Group Membership.</p>
<p>6. New Mental Wellness Funding</p> <p>Patrick Small Legs-Nagge</p>	<p>██████████ presented on the recent National announcement regarding new Mental Wellness Funding. This funding includes existing Mental Health Crisis Response Teams, 32 possible new Mental Wellness Teams, Capacity Building/Training and Support for Crisis Hot-Lines.</p> <p>There were good conversations clarifying the funding and how it would be allocated.</p> <p>It was noted there will be a planning committee that will help to develop these new mental wellness teams.</p>	
<p>7. PHPC Committee Update</p>	<p>██████████ and ██████████ presented the Public Health</p>	<p>AY 2</p>

AGENDA ITEM	NOTES	ACTION ITEMS
<p>[REDACTED]</p>	<p>and Primary Care Committee's report to the Health Directors. The Health Directors were also polled for input on training priorities for the coming year based on the initial brainstorming received during the October 2015 Health Directors' Meeting.</p> <p>This presentation also included an update on the policies around safe drinking water for First Nations from [REDACTED]</p>	<p>ACTION ITEM 9a: FN/IB to send to the Health Directors the synopses on the eleven Mental Wellness Teams created for the meeting in Whitehorse at the end of April 2016.</p> <p>ACTION ITEM 9b: [REDACTED] and [REDACTED] to develop summary/guideline information to assist the Health Directors in developing feedback on the implementation of the new Mental Wellness Team Funding.</p> <p>ACTION ITEM 9c: Health Directors to forward feedback on the process for implementing the new Mental Wellness Team Funding to [REDACTED] and [REDACTED] within two weeks.</p> <p>ACTION ITEM 9d: APC to work with</p>
<p>8. Mental Wellness Committee Update</p> <p>[REDACTED]</p>	<p>[REDACTED] reintroduced the subject of the new Mental Wellness Team funding and fielded comments and questions on the presentation from day 1.</p> <p>There were good discussions that advocated for inclusive planning with existing initiatives that also address mental wellness priorities, including national initiative like Access Open Minds.</p> <p>The assembled Health Directors expressed their intention to meet provincially to help derive feedback on this item.</p>	

AGENDA ITEM	NOTES	ACTION ITEMS
		<p>the Health Directors to help facilitate provincial meetings as necessary.</p> <p>ACTION ITEM 9e: Health Directors to review the two scenarios outlined on pages 9 and 10 of the Thunder Bird Partnership's proposal and forward their input to FNIHB by July 14th, 2016.</p>
<p>9. Mental Health and Addictions Strategy Implementation</p> <p>Janet Rhymes</p>	<p>BREAK</p> <p>presented the update on the Mental Health and Addictions Strategy Implementation. This presentation largely revolved around the status and work of the Mental Wellness Working Groups, specifically the capacity and training working group.</p> <p>It was noted the Working groups, who had been postponed due to lack of available funding, can now be scheduled.</p> <p>The Health Directors noted the importance of scheduling the training sessions at times when treatment centre workers are able to attend, and not in the middle of a treatment cycle.</p>	<p>ACTION ITEM 10a: APC to work with [redacted] and the Health Directors/Treatment Centre Leads to reschedule the meetings for the four Mental Wellness Working Groups now that funding has been secured.</p> <p>ACTION ITEM 10b: Health Directors and Treatment Centre Leads to send feedback on the Thunderbird Partnership Training Schedule to [redacted] and [redacted]</p>
<p>10. NIHB Committee Update</p> <p>Sally Johnson Rachel McDearmid</p>	<p>[redacted] and [redacted] updated the Health Directors on the recent work by the NIHB committee. This item also included an update on the AFN-NIHB Joint review.</p>	
<p>11. Disabilities Update</p> <p>Wendell Nicholas</p>	<p>LUNCH</p> <p>[redacted] presented on the current approaches to supporting First Nations with disabilities, and the connection disabilities have toward Mental Wellness.</p>	

AGENDA ITEM	NOTES	ACTION ITEMS
	<p>He established the difficulty dealing with chronic conditions and that prevention is key. He noted disabilities occur within First Nations communities at twice the rate of the Canadian average.</p> <p>██████████ to hold talking circles in the fall of 2016 and to find funding to bring one person with a disability to the APC Health conference in November 2016.</p>	
<p>12. Strength in Numbers Elaine Allison</p>	<p>██████████ presented on the Strength in Numbers project detailing the project's inception with the Cape Breton communities and its subsequent expansion into the remaining Nova Scotia communities.</p> <p>The presentation explained the need for and benefits of strong project governance, especially with projects that cross jurisdictions (such as between First Nations and/or the provincial government).</p>	
<p>13. Health Status Report Glenda Rosborough</p>	<p>██████████ presented on the Atlantic First Nations Health Status Report. She detailed the background, its evolution, and some of its contents. She noted FNIHB's intention to update the Health Status Reporting Framework and Indicators to make it more useful to First Nations. FNIHB would also like to explore a way to increase collaboration with First Nations in the drafting of this report through a facilitated engagement session in the fall of 2016.</p> <p>██████████ noted any Health Directors interested in attending this session are welcome and FNIHB can fund their travel.</p> <p>██████████ also acknowledged the request to have the Health Status Report brought to the Health Partnership before being released.</p>	<p>ACTION ITEM 13a: ██████████ to investigate the ability to correct typos in the Health Status Report.</p> <p>ACTION ITEM 13b: ██████████ to send a call to the Health Partners, Committees and Health Directors to forward the names of any First Nations photographers to FNIHB so that more Atlantic-specific photos can be used in the production of the Health Status Report.</p>

AGENDA ITEM	NOTES	ACTION ITEMS
<p>14. INAC Social Determinants of Health</p> <p>Rory O'Connor</p>	<p>BREAK</p> <p>presented to the Health Directors on INAC's approach to addressing the social determinants of health via specific programs, (Housing and Infrastructure; Social Development; Education; Economic Development) as well as the Integrated Community Approach which includes identifying best practices in doing business, such as partnerships with other departments like Health Canada and Economic and Social Development Canada.</p> <p>This presentation also touched on Jordan's Principle.</p> <p>The Health Directors advised that INAC and Health Canada plan to integrate the RHS/IRS workers from the sun-setting (in 2018) IRS programs into the Family Violence prevention programs, as these workers have spent many years building a great deal of capacity and healthy, productive relationships with the communities they serve.</p> <p>The Health Directors were advised to contact [REDACTED] Manager, Strategic Policy and Planning with INAC (Atlantic Region) should they have questions regarding Jordan's Principle or the Resolution Support process.</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	
<p>15. INAC Assisted Living</p> <p>Bentley [REDACTED]</p>	<p>[REDACTED] phoned in from Ottawa to present an overview on the INAC Assisted Living program. He listed the Key Components, examples of Current Challenges and INAC's plans towards improving the Assisted Living Program.</p>	

AGENDA ITEM	NOTES	ACTION ITEMS
	<p>It was clarified that the funding for this program came from the Region who should be contacted for any questions regarding how the funding flows and what happens to unspent funds. Joe Behar was also noted as the best person to speak to regarding these items.</p> <p>It was also clarified that the proposal process for projects are solicited regionally, acknowledging the regional office's evaluation of project merit. Projects then move to the National office for final review.</p>	<p>ACTION ITEM 15a: Health Partnership Coordinator to email [REDACTED] contact information to the Health Directors.</p>
Closing	Roseanne Sark closed the meeting with a prayer.	

HEALTH PARTNERSHIP MEETING TIMELINE (2016-17)

MEETING CYCLE 1	MEETING	DATE
HALIFAX	Health Directors*	Feb. 10 & 11, 2016
	Public Health & Primary Care Committee	May 4 & 5, 2016
	Mental Wellness Committee	May 11 & 12, 2016
	Non-Insured Health Benefits Committee	May 18 & 19, 2016
	First Nations Caucus (In Miawpukek)	June 7, 2016 (6:00 pm)
	Health Partnership (In Miawpukek)	June 8 & 9, 2016
	Committee Coordination Group Meeting (In Gander)	June 10, 2016 (10 am)
	Health Directors*	July 5 & 6, 2016
	Public Health & Primary Care Committee	Aug 31 & Sept 1, 2016
	Mental Wellness Committee	Sept 7 & 8, 2016
HALIFAX	Non-Insured Health Benefits Committee	Sept 14 & 15, 2016
	First Nations Caucus	Sept 20, 2016 (1 pm)
	Health Partnership	Sept 21 & 22, 2016
	Committee Coordination Group Meeting	Oct 5, 2016 (10 am)
	Health Directors*	Oct 26 & 27, 2016
	Public Health & Primary Care Committee	Nov 30 & Dec 1, 2016
	Mental Wellness Committee	Dec 7 & 8, 2016
	Non-Insured Health Benefits Committee	Jan 4 & 5, 2016
	First Nations Caucus	Jan 17, 2017 (1 pm)
	Health Partnership	Jan 18 & 19, 2017
MEETING CYCLE 3	Committee Coordination Group Meeting	Jan 25, 2017 (10 am)

NOTE: Partnership Policy Group meetings occur 4 weeks after a Cycle ends to discuss improvements to the process.

* Health Directors meetings are always located in Moncton.

Atlantic All Chiefs Meeting- Health Update on July 7, 2016
Notes and Items for Follow Up/Action by FNIHB

FNIHB Staff in Attendance:

[REDACTED]

Items Included in Health Update:

1. FNIHB Operational Plan Update- presented by [REDACTED]
2. Mental Wellness Update- presented by [REDACTED]
3. Water Testing- presented by [REDACTED]
4. FN Control Models Update- presented by [REDACTED] (on behalf of Chief [REDACTED] and [REDACTED])

Notes:

1. FNIHB Operational Plan Update

[REDACTED] gave an update on FNIHB Atlantic's operational plan and highlights for 2016-17. At the end of the presentation [REDACTED] gave an update on the new approach to JP (supported by \$382K in national funding which was announced on the evening of July 5th). No comments or questions were raised about JP.

[REDACTED] (Eskasoni) provided some commentary on the state of mental health and addictions among FN in the Atlantic. He referred to recent instances where Eskasoni had provided assistance to other communities in crisis at Eskasoni's cost [REDACTED] then asked if the new funds would finally support crisis services that Eskasoni had long been paying for on its own [REDACTED] indicated that [REDACTED] would provide more information on the new funds as part of his presentation.

[REDACTED] (Eel River Bar) raised an issue he was asked to bring to [REDACTED] attention. Dentists are refusing to provide services to FN clients due to the length of time it takes for them to be paid by NIHB. [REDACTED] noted that the issue has been previously raised and the Health Partnership's NIHB Committee is aware of it. He also noted it was an issue for FN across the country and that it would be looked at more closely as part of the National Joint Review process that is underway.

[REDACTED] then expressed her frustration with how long the issue has been going on. She asked that it be expedited for resolution. [REDACTED] thanked [REDACTED] and [REDACTED] for bringing the issue to FNIHB Atlantic's attention again and committed to raising it with [REDACTED] and the FNIHB Atlantic Director of NIHB. [REDACTED] closed the conversation by commenting that Chiefs should bring the issue directly to the attention of the Prime Minister.

2. Mental Wellness Update

█████ gave a presentation on the Mental Wellness Committee's progress towards implementation of the regional strategic action plan and plans for 2016-17. Then he shared information on the new interim mental wellness funds as well as a summary of next steps (as per input received at the June 24th special Health Partnership + Mental Wellness Committee meeting and at the July 5-6th HDs meeting).

No questions were raised, however in regards to █████ comments on the state of mental health and addictions among Atlantic FN █████ mentioned that he and the Chief of Cross Lake were planning to table a resolution at the AFN's upcoming Annual General Assembly (July 12-14th).

3. Water Testing

█████ gave a presentation on drinking water (deck entitled "*First Nations Quality Monitoring of Drinking Water in the Atlantic Region*"), which included reference to the AFN's December 2015 resolution calling for the repeal of the *Safe Drinking Water for First Nations Act*.

Chief █████ raised the question as to "why" accredited provincial labs have to be used, referencing FN right to self-determination and the good work the CBWMs are doing.

█████ responded that now there is an opportunity to raise questions regarding what is an accredited lab, the possibility of the CBWMs doing testing (i.e. since new regulations were being developed).

4. FN Control Models Update

█████ gave an update on the FN Control Models WG's research to identify existing and potential FN health governance models. No comments or questions were raised.

Following the presentation, █████ raised concerns about genetically modified food being grown on or near FN lands and lack of labeling indicating when food has been genetically modified. She further asked why Health Canada was approving GMO without consulting FN and asked if Chiefs would support her in writing a letter to Health Canada. Chiefs indicated they needed more information/ basic understanding about the issue before they could decide what should be done.

APC suggested that perhaps a presentation could be arranged on the subject for a future meeting.

Items for Follow Up/Action By FNIHB:

- █████ to give █████ and █████ (new acting NIHB Director) a heads up that the issue of dentists not serving FN clients was raised again by Chiefs and that Chiefs may bring the issue directly to the Prime Minister's attention.
- █████ to follow up with the relevant unit/division within Health Canada to get more information on GMO (*Perhaps as a start some basic awareness raising information could be provided at the September Health Partnership meeting?*)



Health Canada
Santé Canada

First Nations & Inuit Health Branch
1505 Barrington Street, Suite 1515
Halifax, NS B3J 3Y6

Your file

Votre référence

Our file

Notre référence

August 4, 2016

Fax: Atlantic First Nations Chiefs

New Federal Child First Initiative

Further to [REDACTED] presentation at the Atlantic All Chiefs Forum on July 7th, I am writing to summarize and supplement his remarks for the information of all Atlantic First Nations Chiefs.

On July 5th, the Ministers of Health and Indigenous and Northern Affairs released a joint statement announcing that the Government of Canada has committed up to \$382 million (over three years) to further support First Nation children living on reserve with an ongoing disability affecting their activities of daily living, as well as those who have a short term issue for which there is a critical need for health or social supports. This funding will be used to enhance service coordination and ensure service access resolution so that the needs of children living on-reserve are assessed and responded to quickly.

The goal is to ensure that a child living on reserve with a disability or short term condition benefits from similar services that are available to children with similar needs living off reserve. Examples of services that might be included are, speech therapy, physical therapy, occupational therapy, respite care and required medical supplies and equipment. Examples of social supports that might be required include meal programs, meal planning and preparation for children with special dietary needs, day programs for the child, attendant services, short term respite care, and minor home adaptations related to accessibility (e.g. levered door handles, bathroom support bars).

The objective is to leverage early intervention and coordination of services supported by both the federal and provincial governments. To this end, we are reaching out to officials in provincial health and social services departments. In the coming months, we hope to meet with provincial officials to discuss how we can work together with First Nations to address the needs of these children.

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This Child First Initiative is intended be implemented in collaboration with First Nations. A key component of this Initiative is the introduction of an enhanced service coordination function. Administered by selected First Nations organizations (with funding from Health Canada), service coordinators will:

- Assess needs;
- Facilitate early intervention;
- Develop integrated care plans;
- Connect the child and family to needed services;
- Remove the stress of navigating service systems;
- Support families as they manage their needs; and
- Involve the regional Government of Canada employed Focal Point, as necessary, to expediently address service gaps.

Another key component of this Initiative is the service access resolution and management function. When service coordination attempts do not resolve issues or identify needs that are not met through existing programs, support will be provided and paid for through a central fund administered by Health Canada. This will provide the ability to intervene and prevent a disruption or delay in supports and services for a child.

Immediately after the July 5th federal announcement, we met with Atlantic Health Directors to inform them of this new Initiative, and the following day we met with Atlantic First Nations Chiefs to share the same. The implementation plan for this Initiative is taking shape. As more information becomes available, we will endeavour to share it promptly. Certainly, upcoming meetings of the Atlantic First Nations Health Partnership (Sep 21-22) and the Innu Roundtable (Oct 6) will be an excellent opportunity to further discuss implementation in our region. A key discussion point will be the administration of the service coordination function which we aim to have funded and operating by January.

Recently, our Home and Community Care Program contacted the nurse in each community to identify clients who may require further supports that are presently not available. We are now working to address identified unmet needs.

If a family with a disabled child has been unable to resolve a service need at the community level, they are invited to contact the Focal Points located at our office or the regional INAC office, or reach us through INAC's toll free national enquiries line.

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Health Canada – ATL
Toll Free 1-866-225-0709
Fax (902)426-1300

INAC – ATL
Toll Free 1-800-567-9604
Fax (902)661-6237

**INAC public enquiries referral
telephone line:**
Toll Free 1-800-567-9604 or
Email: InfoPubs@aadnc-
aandc.gc.ca

More information, including the federal announcement and a Fact Sheet, may be found on INAC's website at: <https://www.aadnc-aandc.gc.ca/eng/1334329827982/1334329861879>.

In closing, please consider these new investments as an interim step. Over the next three years, we, together with First Nations, will implement this initiative and build an evidence base for longer-term policy and program reform. I look forward to future discussion and collaboration on this important and exciting new development.

Sincerely,



Debra Keays-White
Regional Executive Officer
First Nations and Inuit Health Branch, Health Canada, Atlantic Region

Cc: (via email) Atlantic Health Directors (33 FNs)
Christopher McDonnell, Regional Director General, INAC

Attachments:

- A. Joint Statement
- B. Fact Sheet

Draft AGENDA – Jordan's Principle - Child First Initiative (JP-CFI)

Time: August 24th 8-9am

Location: 33 Weldon St, Suite 340, Moncton, & teleconf. 1-866-885-0884; Code - 3052#

Invited:

[REDACTED]
[REDACTED]
[REDACTED]

A. Status of First Nations Engagement

- All Chiefs Meeting, Letters to Chiefs
- Upcoming Meetings

B. Service Coordination Function

- Overview of Function
- Selection of External Organization to manage and deliver Function
- Proposed Call for Expressions of Interest
- Proposed Options for Atlantic Health Partnership Consideration
- Review list of Organization to Invite

C. Recap of Next Steps

Supporting Documents:

1. Letter to Chiefs and 2 Appendices (August 4th letter previously sent to you)
2. Upcoming Meetings – 1 page
3. Draft Call for Expressions of Interest – 4 page
4. Options for Health Partnership – 1 page
5. List of Potential Invitees – 1 page

Draft (Aug 24) for the consideration of the Atlantic First Nations Health Partnership

Service Coordination Function – Options for Management and Delivery

Options for the management and delivery of the Services Coordination Function in the Atlantic Region (Note: In all options, the organization(s) are required to have the Services Coordinators located as close to the communities they serve.)	Proposed Rank against criteria*
A. One Organization Example Only. Atlantic Policy Congress or IWK Health Centre	1 st
B. Two Organizations Example Only. UNSI and UNBI	2 nd
C. Multiple Organizations Example Only. Each of the organizations represented on the Health Partnership (ie. UNSI, CMM, UNBI, MAWIW, MCPEI, Miawpukek, Innu), or each of the 6 Regional/District/Provincial Health Authorities in the Region that serve FN's (ie. NS, PEI, NB-Horizons, NB-Vialite, NL-Central, NL-Grenfell)	3 rd
<p>*Assessment of Options Against Criteria</p> <p>Does the Option Support?</p> <ol style="list-style-type: none"> 1. Regional management of function 2. Flexibility to move resources to address needs 3. Professional oversight and consistent standards 4. Efficient duty travel – time and budget 5. Building of centre of expertise 6. Reduced administration costs 7. Strong linkages with provincial health authorities 8. Responsive and timely "child-first" client services 9. Client information protection (policies & enforcement) 10. On-going staff training and development 11. Recruitment and retention of professional staff 12. Culturally competent and safe service delivery 13. Coordination with existing federal programs 14. Other Criteria? 	



Jordan's Principle - Child First Initiative

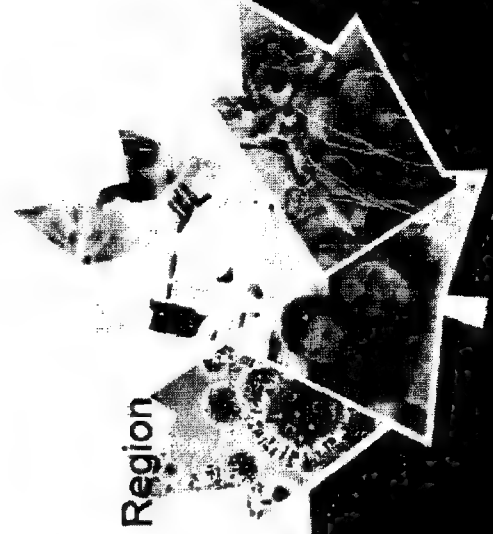
Presentation to the

Health Committee of the Mi'kmaq-Nova Scotia- Canada Tripartite Forum

August 29, 2016



First Nations and Inuit Health Branch, Atlantic Region



YOUR HEALTH AND SAFETY OUR PRIORITY

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Outline

- What is Jordan's Principle
- Federal Approach to Jordan's Principle – Then and Now
- Three Components:
 - Service Coordination
 - Service Access Resolution
 - Engaging Partners
- Status of Implementation in the Region/Next Steps

What is Jordan's Principle?



On December 12, 2007, the House of Commons unanimously supported a Private Member's motion (M-296) stating that "the government should immediately adopt a child first principle, based on Jordan's Principle, to resolve jurisdictional disputes involving the care of First Nations children."

Then and Now

Jordan's Principle, 2008

JP- Child First Initiative, 2016-2019

- Dispute-based, triggered after declaration of a dispute between Canada and a province over payment for services
- Needs-based, to ensure children have access to health and social services without delay or disruption due to jurisdictional service gaps.
- Includes a new enhanced service coordination model of care, delivered by First Nation organizations
- First Nation child living on reserve
- First Nation child ordinarily living on reserve
- Children assessed with multiple disabilities requiring multiple providers
- Children assessed with:
 - A disability affecting activities of daily living; or
 - A n interim condition requiring a critical need for health or social services
- Required services comparable to provincial standards of care for children off reserve (the "normative standards") in a similar geographic location
- Required services comparable to the normative standard, with requests for services beyond the normative standard considered on a case-by case basis

Current Federal Approach to JP Defined

- The JP – Child-First Initiative is intended to ensure that First Nations children living on reserve and in the Yukon who have a disability or an interim critical condition affecting their activities of daily living have access to health and social services comparable to children living off reserve. This Initiative will help ensure that these needed services are provided without delay.

Goal of New Approach

- The goal is to help ensure that children living on reserve with a disability or interim critical condition has equitable access to health and social services comparable to children living off reserve.
- Examples of services:
 - Allied health services, medical supplies & equipment, medical/health related transportation services, medically recommended nutritional supports
 - Meal programs, day programs, attendant care services, short term respite care, minor home adaptations related to accessibility.

Components of the JP-CFI

On July 5th, the Federal Government announced a new response to Jordan's Principle supported by \$382M over three years.

There are 3 components of the Initiative:

1. Enhanced Service Coordination (\$38M)
2. Service Access Resolution - The Reserve Fund (\$327M)
3. Engagement with First Nations and Provinces

Note: Data collection is a key pillar of implementation (will inform renewal)

1. Reserve Fund – Eligibility Determination

1. Is the request for a child as defined by provincial law? YES ☐ NO ☐
2. Is the child a Registered First Nation individual? YES ☐ NO ☐
3. Does the child live on reserve or is ordinarily living on reserve? YES ☐ NO ☐
4. Does the child have a disability that impacts his/her activities of daily living at home, school or within the community, OR has a discrete short-term condition requiring health or social services or supports? YES ☐ NO ☐
5. Has the child undergone an assessment by a health or social professional? YES ☐ NO ☐
- 6a. Does the request fall within the normative standard of care the province or territory of residence? If NO or UNKNOWN, see 6b. YES ☐ NO ☐ UNKNOWN ☐
- 6b. If the requested service or support is not within the normative standard, or the normative standard cannot be determined, should this request be considered an exception (ie. assessed by a professional as critically needed) under the JP-CFI? If YES, detail the reason. YES ☐ NO ☐
7. Have you sought access to services or support through existing programs within HC, INAC, or the provincial government? If yes, is the request: ☐ denied?, ☐ unresolved / pending, ☐ involved in a dispute, ☐ other? YES ☐ NO ☐

2. Enhanced Service Coordination

Client - First Nations Child

Local Service Providers

Service Coordinators

Regional JP Focal Point

- Client assessment
- Care planning
- Case management
- Assist in proactive identification of cases
- Make referrals to professionals for assessment
- Help navigate through system
- Liaise within system to identify service gaps
- Support care planning and case management
- Make referrals to regional JP Focal Point
- Collect and report on client utilization and service data

- Liaise within system to facilitate access
- Assess requests against JP-CFI criteria & provincial standard

Contacting the Jordan's Principle Focal Point

The vast majority of service needs can be resolved through the expertise available at the local level with or without the support of Service Coordinators. But if not, the regional JP Focal Point may be contacted in one of three ways:

1. Health Canada – ATL

Toll Free 1-866-225-0709

Fax (902) 426-1300

2. INAC – ATL

Toll Free 1-800-567-9604

Fax (902) 661-6237

3. INAC public enquiries referral telephone line:

Toll Free 1-800-567-9604 or

Email: InfoPubs@aadnc-aandc.gc.ca

3. Engaging Partners

- First Nations Engagement
 - Atlantic FNs Health Partnership re: Service Coordination
 - Sharing at tripartite tables (NS, PEI, Innu)
- Provincial Engagement
 - Each province has named a key contact to liaise on Jordan's Principle related matters.
 - HC & INAC are looking to meet with representatives from Health, Social Services, and Aboriginal Affairs in each Province to discuss:
 - Establishing provincial standards of care
 - Working with the province on enhanced service coordination
 - Collaborating to address identified service gaps
 - Processing potential future disputes

Implementation Status on JP-CFI

- Federal Announcement July 5
 - ADM Letter to Provs to request names for meetings July 5
 - Health Directors and All Chiefs Meetings July 6 and July 7
 - Federal meeting to discuss implementation (July 19)
 - Intensified Case Tracking and Reporting (July)
 - Contacted FNs via Home Care
 - children in need (July)
 - Confirmed CFI good/service payment process
- Letters to Atlantic Chiefs with copy to Health Directors, Aug 4
 - Initiated planning to:
 - Select a Service Coordination Organization
 - Hire a federal JP Focal Point
 - Further engage First Nation and Provincial partners

6a

<p>HEALTH PARTNERSHIP</p> <p>Special Meeting Teleconference Jordan's Principle - Child First Initiative Atlantic First Nations Health Partnership</p>					
DATE AND TIME:		09 September, 2016; 1:00 pm to 2:30 pm			
LOCATION:		Teleconference			
TELECONFERENCE:		1 (866) 368-6248 (Participant code 3300138)			
VIDEO CONFERENCE:		24.215.110.165 on your Polycom system			
Item	Time	Item	Presenter	Materials	Action
		Opening Prayer			
1	1:00 pm	Welcome & Introductions Acceptance of Agenda		Agenda	Decision
2	1:10	JP-CFI Overview Presentation		Powerpoint Presentation	Information
	1:30	• Questions & Comments		N/A	Discussion
3	1:45	Service Coordination		Powerpoint Presentation	Information
	2:00	• Questions & Comments		N/A	Discussion
4	2:20	Wrap-up & Next Steps		N/A	Discussion
		Closing Prayer			

Please Note: Due to dangerous allergies, all Health Partnership, Committee, and Health Director events are SCENT FREE, NUT FREE, and CURRY FREE.

We'lalin

A0455830_44-000570

DRAFT FOR DISCUSSION ONLY (Sep 9th)

Service Coordination Function – Options for Management and Delivery

Options for the management and delivery of the Services Coordination Function in the Atlantic Region*	Rank (1 st , 2 nd , 3 rd)
A. One Organization Example Only. Atlantic Policy Congress or IWK Health Centre	
B. Two Organizations Example Only. UNSI and UNBI	
C. Multiple Organizations Examples Only. Each of the organizations represented on the Health Partnership (ie. UNSI, CMM, UNBI, MAWIW, MCPEI, Miawpukek, Innu), or each of the 6 Regional/District/Provincial Health Authorities in the Region that serve FNs (ie. NS, PEI, NB-Horizons, NB-Vialite, NL-Central, NL-Grenfell)	
* In all options, the organization(s) are required to have the Services Coordinators located as close to the communities they serve.)	

Option Selection Criteria – Does the option support?	Option1	Option2	Option3
1. Regional management of function			
2. Flexibility to move resources to address needs			
3. Professional oversight and consistent standards			
4. Efficient duty travel – time and budget			
5. Building of centre of expertise			
6. Reduced administration costs			
7. Strong linkages with provincial health authorities			
8. Responsive and timely “child-first” client services			
9. Client information protection (policies & enforcement)			
10. On-going staff training and development			
11. Recruitment and retention of professional staff			
12. Culturally competent and safe service delivery			
13. Coordination with existing federal programs			
14. Another Criterion			



Canada

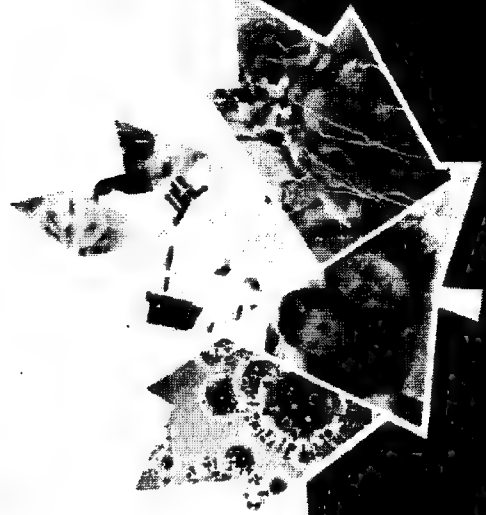
Service Coordination Function: Jordan's Principle - Child First Initiative

Presentation to the:
Atlantic First Nations Health Partnership.

September 9, 2016

First Nations and Inuit Health Branch, Atlantic Region

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YOUR HEALTH AND SAFETY OUR PRIORITY

Service Coordination – Roles and Responsibilities

draft

Overview

Intake, Assessment, and Coordination

Care Management

- Facilitate early intervention
- Improve client awareness of existing supports and services
- Assist in identifying children with a disability with unmet needs
- Liaise with other organizations to enhance government support

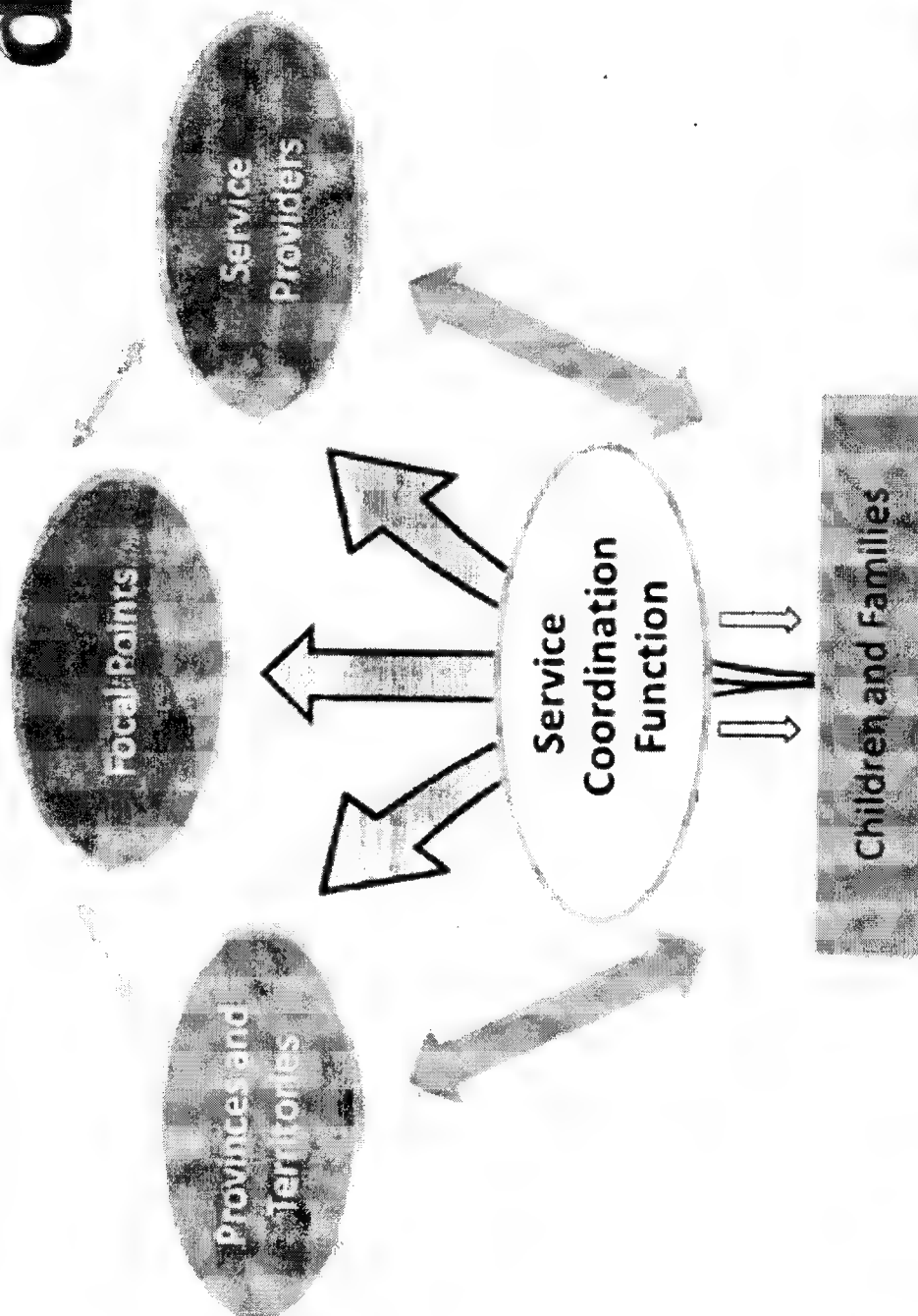
- Help clients navigate systems, including organizing assessments with professionals (i.e. social workers) and referrals for service
- Coordinate access to federal, provincial and territorial services based on assessments
- Identify alternative models of service delivery for improved access and efficiency
- Involve CFI focal points when necessary

- Support the full continuum of case management processes
- Develop, implement and monitor integrated care plans
- Support planning for clients transitioning into adulthood

- Data collection, analysis and reporting

Service Coordination – How does it fit

draft



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Who will Deliver Service Coordination? **draft**

An External Organization with demonstrated:

- Experience working in the areas of health and/or social services planning, and delivery to First Nations ;
- Knowledge of federally and provincially funded health and social services, as well non-government service delivery organizations;
- Established linkages at the community level and within the provincial/territorial health care and social services systems;
- Experience providing culturally competent care;
- Experience in client assessment and individual health and social service plan development, supported by standardized assessment tools;
- Experience in leading case conferencing for complex cases involving multiple service providers and other officials from local and regional levels;
- Case management skills/competencies, including monitoring and reporting;
- Experience in writing reports and evaluation; and
- The ability to hire and manage the appropriate mix of professional, para-professional and administrative staff.

Options – Service Coordination Organization

Options for the management and delivery of the Services Coordination Function in the Atlantic Region *	Rank (1 st , 2 nd , 3 rd)
<p>A. One Organization Example Only. Atlantic Policy Congress or IWK Health Centre</p>	draft
<p>B. Two Organizations Example Only. UNSI and UNBI</p>	
<p>C. Multiple Organizations Examples Only. Each of the organizations represented on the Health Partnership (ie. UNSI, CMM, UNBI, MAWIW, MCPEI, Miawpukek, Innu), or each of the 6 Regional/District/Provincial Health Authorities in the Region that serve FNs (ie. NS, PEI, NB-Horizons, NB-Vialite, NL-Central, NL-Grenfell)</p>	
<p>* In all options, the organization(s) are required to have the Services Coordinators located as close to the communities they serve.)</p>	

Principles to Guide Regional Model Development

draft

- Client Focus
- Accessible, Responsive, Timely Service
- Integration and Continuity of Service
- Consistent Practise Standard
- Cost Effective and Efficient Care
- Data Protection
- Culturally Appropriate and Safe
- Others?

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draft

Proposed Selection Criteria

Option Selection Criteria – Does the option support?	Option1	Option2	Option3
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2. Flexibility to move resources to address needs			
3. Professional oversight and consistent standards			
4. Efficient duty travel – time and budget			
5. Building of centre of expertise			
6. Reduced administration costs			
7. Strong linkages with provincial health authorities			
8. Responsive and timely “child-first” client services			
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10. On-going staff training and development			
11. Recruitment and retention of professional staff			
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13. Coordination with existing federal programs			
14. Another Criterion			

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Atlantic Status First Nations Children on-Reserve

	Age 0-19
Abegweit	83
Lennox Island	131
PEI	214

	Age 0-19
Miawpukek	228
Mushuau	429
Sheshatshiu	533
NL	1,190

	Age 0-19
Fort Folly	8
Elsipogtog	960
Indian Island	33
Buctouche	27
Eel Ground	189
Eel River Bar	112
Esenoopeditj	453
Metepenagiag	166
Pabineau	22
Kingsclear	241
Madawaska	36
Oromocto	134
Saint Mary's	345
Tobique	482
Woodstock	66
NB	3,274

	Age 0-19
Acadia	50
Annapolis Valley	37
Bear River	32
Glooscap	15
Millbrook	319
Paqtnkek	170
Pictou Landing	181
Sipekne'katik	476
Potlotek	231
Membertou	390
Wagmatcook	293
Waycobah	383
Eskasoni	1,477
NS	4,054

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At the September 20-21 Meeting

1. Confirm the Selection Criteria
2. Decide on an organizational model for our Region
3. Decide on next steps,
 - for example, Call for Proposals and Implementation Timeline



Canada

Jordan's Principle - Child First Initiative

Presentation to the:

Non-insured Health Benefits Committee

September 15, 2016



First Nations and Inuit Health Branch, Atlantic Region

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YOUR HEALTH AND SAFETY OUR PRIORITY

Outline

- What is Jordan's Principle
- Federal Approach to Jordan's Principle – Then and Now
- Three Components:
 - Service Coordination
 - Service Access Resolution
 - Engaging Partners
- Status of Implementation in the Region/Next Steps

Background

- In December 2007, Jordan's Principle (JP) was passed in the House of Commons in honour of Jordan River Anderson;
- In 2008, Indigenous and Northern Affairs Canada (INAC) and Health Canada (HC) were tasked with implementing JP;
- In January 2016, a complaint from First Nations Child and Family Caring Society of Canada (FNCFCSC) and Assembly of First Nations (AFN) was substantiated by the Canadian Human Rights Tribunal (CHRT). The Government of Canada was ordered to cease applying its narrow definition of JP, and take measures to implement its full meaning and scope;
- In July 2016, the Government of Canada announced up to \$382M in new funding for a new approach to JP A Child-First Initiative (JP-CFI).

A New Approach: JP-CFI

Immediate:

- Ensure First Nations children with a disability or interim critical condition living on reserve have access to needed health and social services within the normative standard of care in their province/territory of residence.

Longer-Term:

- Over three years (2016 - 2019), track health and social service needs and requests as well as work with First Nations partners and provincial/territorial governments to develop a long-term approach aligned and integrated with health and social services across jurisdictions.

Then and Now

2008 - 2016

- *Dispute-based*, triggered after declaration of a dispute over payment for services within Canada, or between Canada and a province
- First Nations child living on reserve or ordinarily resident on reserve
- Child assessed with:
 - multiple disabilities requiring multiple providers
- Child required services comparable to provincial normative standards of care for children off-reserve in a similar geographic location

2016 - 2019

- *Needs-based*, child-first approach to ensure access to services without delay or disruption due to jurisdictional gaps
- Still First Nations child on reserve or ordinarily resident on reserve
- Are within the age range of "children" as defined in their province/territory of residence
- Children assessed with needing health and/or social supports because of:
 - a disability affecting activities of daily living; OR
 - an interim critical condition affecting activities of daily living
- Child requires services comparable to provincial normative standards of care, AND requests BEYOND the normative standard will be considered on a case-by-case basis

Goal of New Approach

- The goal is to help ensure that children living on reserve with a disability or interim critical condition have equitable access to health and social services comparable to children living off reserve.
- Examples of services:
 - Allied health services, medical supplies & equipment, medical/health related transportation services, medically recommended nutritional supports
 - Meal programs, day programs, attendant care services, short term respite care, minor home adaptations related to accessibility.

Components of the JP-CFI

On July 5th, the Federal Government announced a new response to Jordan's Principle supported up to \$382M over three years.

There are 3 components of the Initiative:

1. Enhanced Service Coordination
2. Service Access Resolution
3. Engagement with First Nations and Provinces

Note: Data collection is a key pillar of implementation (will inform renewal)

1. Service Access Resolution

Fund – Eligibility Determination

- | | | |
|-----|---|--|
| 1. | Is the request for a child as defined by provincial law? | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| 2. | Is the child a Registered First Nation individual? | YES <input type="checkbox"/> NO <input type="checkbox"/> |
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| 5. | Has the child undergone an assessment by a health or social professional? | YES <input type="checkbox"/> NO <input type="checkbox"/> |
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2. Enhanced Service Coordination

Local Service Providers

- Client assessment
- Care planning
- Case management

Service Coordinators

- Assist in proactive identification of cases
- Make referrals to professionals for assessment
- Help navigate through system
- Liaise within system to identify service gaps
- Support care planning and case management
- Make referrals to regional JP Focal Point
- Collect and report on client utilization and service data

Regional JP Focal Point

- Liaise within system to facilitate access
- Assess requests against JP-CFI criteria & provincial standard

Service Coordination – Atlantic Allocation

- 2016-17 up to \$620,006
- 2017-18 up to \$1,240,213
- 2018-19 up to \$1,240,213
- Allocations are Contribution Funding
 - “Set” - No carry over of annual surplus funding
 - “Fenced” - Funding must be spent on JP-CFI Service Coord.

Contacting the Jordan's Principle Focal Point

The vast majority of service needs can be resolved through the expertise available at the local level with or without the support of Service Coordinators. But if not, the regional JP Focal Point may be contacted in one of three ways:

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Fax (902) 426-1300

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Implementation Status on JP-CFI

- Federal government broadens its response to Jordan's Principle in May.
- Federal Announcement July 5
- ADM Letter to Provinces and the Yukon to request names for meetings July 5
- Health Directors and All Chiefs Meetings July 6 and July 7
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Jordan's Principle - Child First Initiative

Presentation to the:

Public Health and Primary Care Committee,
Non-insured Health Benefits Committee, and
Atlantic First Nations Health Partnership.

September 21-22, 2016



First Nations and Inuit Health Branch, Atlantic Region



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YOUR HEALTH AND SAFETY OUR PRIORITY

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Fax (902) 661-6237

3. INAC public enquiries referral telephone line:

Toll Free 1-800-567-9604 or

Email: InfoPubs@aadnc-aandc.gc.ca

3. Engaging Partners

- First Nations Engagement
 - Atlantic FNs Health Partnership re: Service Coordination
 - Sharing at tripartite tables (NS, PEI, Innu)
- Provincial Engagement
 - Each province has named a key contact to liaise on Jordan's Principle related matters.
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Implementation Status on JP-CFI

- Federal government broadens its response to Jordan's Principle in May.
- Federal Announcement July 5
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- Health Directors and All Chiefs Meetings July 6 and July 7
- Federal meeting to discuss implementation (July 19)
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- Contacted FNs via Home Care - children in need (July)
- Confirmed CFI good/service payment process
- Letters to Atlantic Chiefs with copy to Health Directors, Aug 4
- Initiated planning to:
 - Select a Service Coordination Organization
 - Hire a federal JP Focal Point
 - Further engage First Nation and Provincial partners

Service Coordination Function: Jordan's Principle - Child First Initiative

Presentation to the:
Atlantic First Nations Health Partnership.

September 21-22, 2016

First Nations and Inuit Health Branch, Atlantic Region



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YOUR HEALTH AND SAFETY. OUR PRIORITY

Service Coordination – Roles and Responsibilities

draft

Outreach

- Facilitate early intervention
- Improve client awareness of existing supports and services
- Assist in identifying children with a disability with unmet needs
- Liaise with other organizations to identify services to enhance government support

Intake, Assessment, and Coordination

- Help clients navigate systems, including organizing assessments with professionals (i.e. social workers) and referrals for service
- Coordinate access to federal, provincial and territorial services based on assessments
- Identify alternative models of service delivery for improved access and efficiency
- Involve CFI focal points when necessary

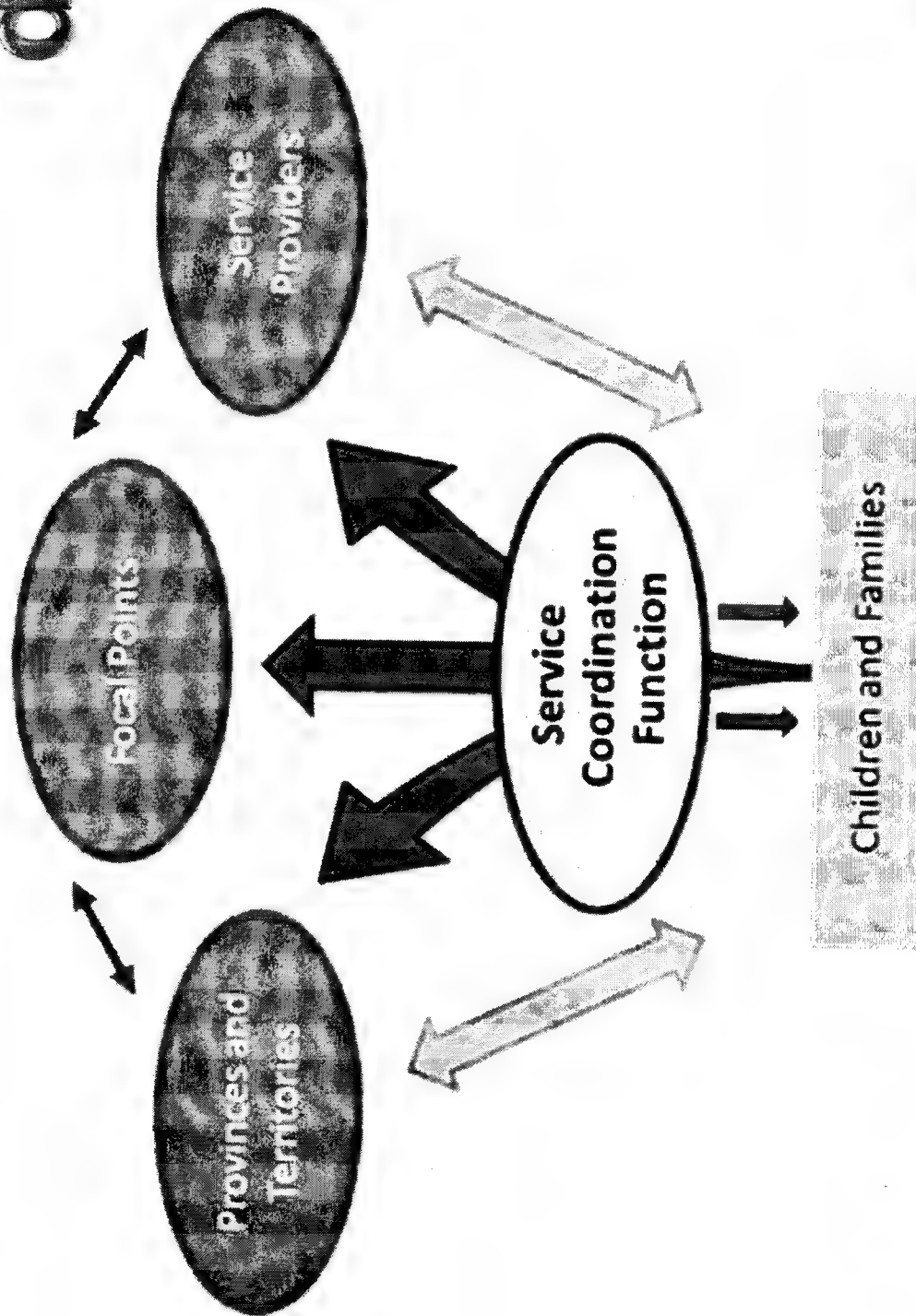
Case Management

- Support the full continuum of case management processes
- Develop, implement and monitor integrated care plans
- Support planning for clients transitioning into adulthood

- Data collection, analysis and reporting

Service Coordination – How does it fit

draft



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Who will Deliver Service Coordination?

draft

An External Organization with demonstrated:

- Experience working in the areas of health and/or social services planning, and delivery to First Nations ;
- Knowledge of federally and provincially funded health and social services, as well non-government service delivery organizations;
- Established linkages at the community level and within the provincial/territorial health care and social services systems;
- Experience providing culturally competent care;
- Experience in client assessment and individual health and social service plan development, supported by standardized assessment tools;
- Experience in leading case conferencing for complex cases involving multiple service providers and other officials from local and regional levels;
- Case management skills/competencies, including monitoring and reporting
- Experience in writing reports and evaluation; and
- The ability to hire and manage the appropriate mix of professional, para-professional and administrative staff.

Options – Service Coordination Organization

Options for the management and delivery of the Services Coordination Function in the Atlantic Region *	Rank (1 st , 2 nd , 3 rd)
<p>A. One Organization Example Only. Atlantic Policy Congress or IWK Health Centre</p>	draft
<p>B. Two Organizations Example Only. UNSI and UNBI</p>	
<p>C. Multiple Organizations Examples Only. Each of the organizations represented on the Health Partnership (ie. UNSI, CMM, UNBI, MAWIW, MCPEI, Miawpukek, Innu), or each of the 6 Regional/District/Provincial Health Authorities in the Region that serve FNs (ie. NS, PEI, NB-Horizons, NB-Vialite, NL-Central, NL-Grenfell)</p>	
<p>* In all options, the organization(s) are required to have the Services Coordinators located as close to the communities they serve.)</p>	

Principles to Guide Regional Model Development

draft

- Client Focus
- Accessible, Responsive, Timely Service
- Integration and Continuity of Service
- Consistent Practise Standard
- Cost Effective and Efficient Care
- Data Protection
- Culturally Appropriate and Safe
- Others?

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Proposed Selection Criteria

draft

Option Selection Criteria – Does the option support?	Option1	Option2	Option3
1. Regional management of function			
2. Flexibility to move resources to address needs			
3. Professional oversight and consistent standards			
4. Efficient duty travel – time and budget			
5. Building of centre of expertise			
6. Reduced administration costs			
7. Strong linkages with provincial health authorities			
8. Responsive and timely “child-first” client services			
9. Client information protection (policies & enforcement)			
10. On-going staff training and development			
11. Recruitment and retention of professional staff			
12. Culturally competent and safe service delivery			
13. Coordination with existing federal programs			
14. Another Criterion			

Atlantic Status First Nations Children on-Reserve

	Age 0-19
Abegweit	83
Lennox Island	131
PEI	214

	Age 0-19
Miawpukek	228
Mushuau	429
Sheshatshiu	533
NL	1,190

	Age 0-19
Fort Folly	8
Elsipogtog	960
Indian Island	33
Buctouche	27
Eel Ground	189
Eel River Bar	112
Esgenoopetitj	453
Metepenagiag	166
Pabineau	22
Kingsclear	241
Madawaska	36
Oromocto	134
Saint Mary's	345
Tobique	482
Woodstock	66
NB	3,274

	Age 0-19
Acadia	50
Annapolis Valley	37
Bear River	32
Glooscap	15
Millbrook	319
Paqtnkek	170
Pictou Landing	181
Sipekne'katik	476
Potlotek	231
Membertou	390
Wagmatcook	293
Waycobah	383
Eskasoni	1,477
NS	4,054

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Our Tasks Today

1. Confirm the Selection Criteria
2. Decide on an organizational model for our Region
3. Decide on next steps:
 - Call for Proposals
 - Implementation Timeline
 - Etc.

Jordan's Principle - Child First Initiative

Presentation to the
All Chiefs and Councils Assembly
of the
Atlantic Policy Congress of First Nations Chiefs Secretariat

September 28, 2016

Debra Keays-White and Chief Candice Paul,
Co-Chairs of the Atlantic First Nations Health Partnership

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ATLANTIC FIRST NATIONS
HEALTH PARTNERSHIP

Outline

- What is Jordan's Principle?
- Federal Approach to Jordan's Principle – Then and Now
- Three Components:
 - Service Coordination
 - Service Access Resolution
 - Engaging Partners
- Status of Implementation in the Region/Next Steps



Background

- In December 2007, Jordan's Principle (JP) was passed in the House of Commons in honour of Jordan River Anderson;
- In 2008, Indigenous and Northern Affairs Canada (INAC) and Health Canada (HC) were tasked with implementing JP;
- In January 2016, a complaint from First Nations Child and Family Caring Society of Canada (FNCFCSC) and Assembly of First Nations (AFN) was substantiated by the Canadian Human Rights Tribunal (CHRT). The Government of Canada was ordered to cease applying its narrow definition of JP, and take measures to implement its full meaning and scope;
- In July 2016, the Government of Canada announced up to \$382M in new funding for a new approach to JP A Child-First Initiative (JP-CFI).



A New Approach: JP-CFI

Immediate:

- Ensure First Nations children with a disability or interim critical condition living on reserve have access to needed health and social services within the normative standard of care in their province/territory of residence.

Longer-Term:

- Over three years (2016 - 2019), track health and social service needs and requests as well as work with First Nations partners and provincial/territorial governments to develop a long-term approach aligned and integrated with health and social services across jurisdictions.

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ATLANTIC FIRST NATIONS
HEALTH PARTNERSHIP

Then and Now

2008 - 2016

- Dispute-based, triggered after declaration of a dispute over payment for services within Canada, or between Canada and a province
- First Nations child living on reserve or ordinarily resident on reserve
- Child assessed with:
 - multiple disabilities requiring multiple providers
- Child required services comparable to provincial normative standards of care for children off-reserve in a similar geographic location

2016 - 2019

- Needs-based, child-first approach to ensure access to services without delay or disruption due to jurisdictional gaps
- Still First Nations child on reserve or ordinarily resident on reserve
- Are within the age range of "children" as defined in their province/territory of residence
- Children assessed with needing health and/or social supports because of:
 - a disability affecting activities of daily living; OR
 - an interim critical condition affecting activities of daily living
- Child requires services comparable to provincial normative standards of care, AND requests BEYOND the normative standard will be considered on a case-by-case basis

Goal of New Approach

- The goal is to help ensure that children living on reserve with a disability or interim critical condition have equitable access to health and social services comparable to children living off reserve.
- Examples of services:
 - Allied health services, medical supplies & equipment, medical/health related transportation services, medically recommended nutritional supports
 - Meal programs, day programs, attendant care services, short term respite care, minor home adaptations related to accessibility.



Components of the JP-CFI

On July 5th, the Federal Government announced a new response to Jordan's Principle supported up to \$382M over three years.

There are 3 components of the Initiative:

1. Enhanced Service Coordination
2. Service Access Resolution
3. Engagement with First Nations and Provinces

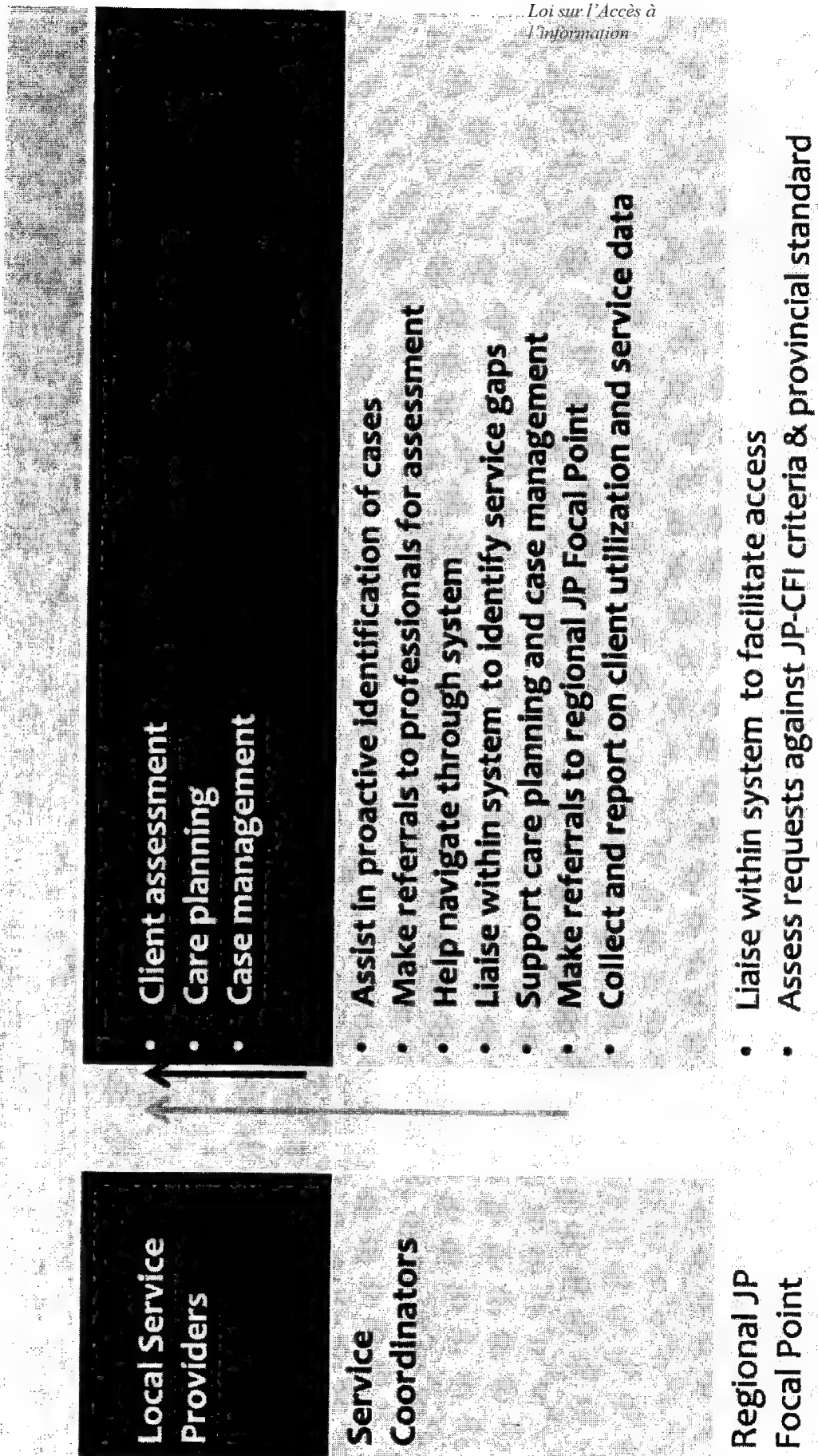


1. "JP Fund" - Eligibility Determination Checklist

1. Is the request for a child as defined by provincial law? YES ☐ NO ☐
2. Is the child a Registered First Nation individual? YES ☐ NO ☐
3. Does the child live on reserve or ordinarily lives on reserve? YES ☐ NO ☐
4. Does the child have a disability that impacts his/her activities of daily living at home, school or within the community, OR has an interim critical condition requiring health or social services or supports? YES ☐ NO ☐
5. Has the child undergone an assessment by a health or social professional? YES ☐ NO ☐
6. 2 parts:
 - a. Does the request fall within the normative standard of care the province or territory of residence? If NO or UNKNOWN, see 6b. YES ☐ NO ☐ Unknown ☐
 - b. If the requested service or support is not within the normative standard, or the normative standard cannot be determined, should this request be considered an exception (ie. assessed by a professional as critically needed) under the JP-CFI? If YES, detail the reason. YES ☐ NO ☐
7. Have you sought access to services or support through existing programs within HC, INAC, or the provincial government? If yes, is the request: ☐ denied?, ☐ unresolved / pending, ☐ involved in a dispute, ☐ other? YES ☐ NO ☐



2. Enhanced Service Coordination



3. Engaging Partners

- First Nations Engagement
 - Atlantic FNs Health Partnership re: Service Coordination
 - Sharing at tripartite tables (NS, PEI, Innu)
- Provincial Engagement
 - Each province has named a key contact to liaise on Jordan's Principle related matters.
 - HC & INAC are looking to meet with representatives from Health, Social Services, and Aboriginal Affairs in each province to discuss:
 - Establishing provincial standards of care
 - Working with the province on enhanced service coordination
 - Collaborating to address identified service gaps
 - Processing potential future disputes



Contacting the Jordan's Principle Focal Point

The vast majority of service needs can be resolved through the expertise available at the local level with or without the support of Service Coordinators. But if not, the regional JP Focal Point may be contacted in one of three ways:

1. Health Canada – ATL

Toll Free 1-866-225-0709

Fax (902) 426-1300

2. INAC – ATL

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Fax (902) 661-6237

3. INAC public enquiries referral telephone line:

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Implementation Points

1. Cases may be referred to regional JP Focal Point.
2. Each community is being contacted to identify unmet respite care and allied health service needs for children.
3. Conducting a province by province gap analysis of health and social services for on-reserve children with disabilities.
4. In mid-Oct, the Health Partnership Chiefs are deciding on an organizational model (and selection process) for the enhanced Service Coordination function in the region.
 - Health Technicians are proposing principles and criteria to aide in decision making.
5. Service Coordination to be implemented in 2016-17.



Questions or Comments

Co-Chairs of the Atlantic First Nations Health Partnership:

Debra Keays-White, Regional Executive
First Nations and Inuit Health, Atlantic

Chief Candice Paul
St. Mary's First Nation
Representing the Union of NB Indians

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ATLANTIC FIRST NATIONS
HEALTH PARTNERSHIP

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Jordan's Principle - Child First Initiative

Presentation to the:

Public Health and Primary Care Committee,
Non-insured Health Benefits Committee, and
Atlantic First Nations Health Partnership.

September 2016

First Nations and Inuit Health Branch, Atlantic Region

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YOUR HEALTH AND SAFETY OUR PRIORITY

Outline

- What is Jordan's Principle
- Federal Approach to Jordan's Principle – Then and Now
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What is Jordan's Principle?



On December 12, 2007, the House of Commons unanimously supported a Private Member's motion (M-296) stating that "the government should immediately adopt a child first principle, based on Jordan's Principle, to resolve jurisdictional disputes involving the care of First Nations children."

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Then and Now

Jordan's Principle, 2008

- Dispute-based, triggered after declaration of a dispute between Canada and a province over payment for services

JP- Child First Initiative, 2016-2019

- Needs-based, to ensure children have access to health and social services without delay or disruption due to jurisdictional service gaps.
- Includes a new enhanced service coordination model of care, delivered by First Nation organizations
- First Nation child living on reserve
- Children assessed with multiple disabilities requiring multiple providers
- Required services comparable to provincial standards of care for children off reserve (the "normative standards") in a similar geographic location
- First Nation child ordinarily living on reserve
- Children assessed with:
 - A disability affecting activities of daily living; or
 - A n interim condition requiring a critical need for health or social services
- Required services comparable to the normative standard, with requests for services beyond the normative standard considered on a case-by case basis

Current Federal Approach to JP Defined

- The JP – Child-First Initiative is intended to ensure that First Nations children living on reserve and in the Yukon who have a disability or an interim critical condition affecting their activities of daily living have access to health and social services comparable to children living off reserve. This Initiative will help ensure that these needed services are provided without delay.

Goal of New Approach

- The goal is to help ensure that children living on reserve with a disability or interim critical condition have equitable access to health and social services comparable to children living off reserve.
- Examples of services:
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Components of the JP-CFI

On July 5th, the Federal Government announced a new response to Jordan's Principle supported up to \$382M over three years.

There are 3 components of the Initiative:

1. Enhanced Service Coordination
2. Service Access Resolution
3. Engagement with First Nations and Provinces

Note: Data collection is a key pillar of implementation (will inform renewal)

1. Service Access Resolution

Fund – Eligibility Determination

- | | | |
|-----|---|--|
| 1. | Is the request for a child as defined by provincial law? | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| 2. | Is the child a Registered First Nation individual? | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| 3. | Does the child live on reserve or ordinarily lives on reserve? | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| 4. | Does the child have a <u>disability</u> that impacts his/her activities of daily living at home, school or within the community, OR has an interim critical condition requiring health or social services or supports? | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| 5. | Has the child undergone an assessment by a health or social professional? | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| 6a. | Does the request fall within the normative standard of care the province or territory of residence? If NO or UNKNOWN, see 6b. | YES <input type="checkbox"/> NO <input type="checkbox"/>
UNKNOWN <input type="checkbox"/> |
| 6b. | If the requested service or support is not within the normative standard, or the normative standard cannot be determined, should this request be considered an exception (ie. assessed by a professional as critically needed) under the JP-CFI? If YES, detail the reason. | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| 7. | Have you sought access to services or support through existing programs within HC, INAC, or the provincial government? If yes, is the request: <input type="checkbox"/> denied?, <input type="checkbox"/> unresolved / pending, <input type="checkbox"/> involved in a dispute, <input type="checkbox"/> other? | YES <input type="checkbox"/> NO <input type="checkbox"/> |

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2. Enhanced Service Coordination

Local Service Providers

Service Coordinators

Regional JP Focal Point

- Client assessment
- Care planning
- Case management
- Assist in proactive identification of cases
- Make referrals to professionals for assessment
- Help navigate through system
- Liaise within system to identify service gaps
- Support care planning and case management
- Make referrals to regional JP Focal Point
- Collect and report on client utilization and service data

- Liaise within system to facilitate access
- Assess requests against JP-CFI criteria & provincial standard

Contacting the Jordan's Principle Focal Point

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Jordan's Principle - Child First Initiative

Presentation to the
Innu Round Table

October 6, 2016

First Nations and Inuit Health Branch, Atlantic Region

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Immediate:

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Longer-Term:

- Over three years (2016 - 2019), track health and social service needs and requests as well as work with First Nations partners and provincial/territorial governments to develop a long-term approach aligned and integrated with health and social services across jurisdictions.

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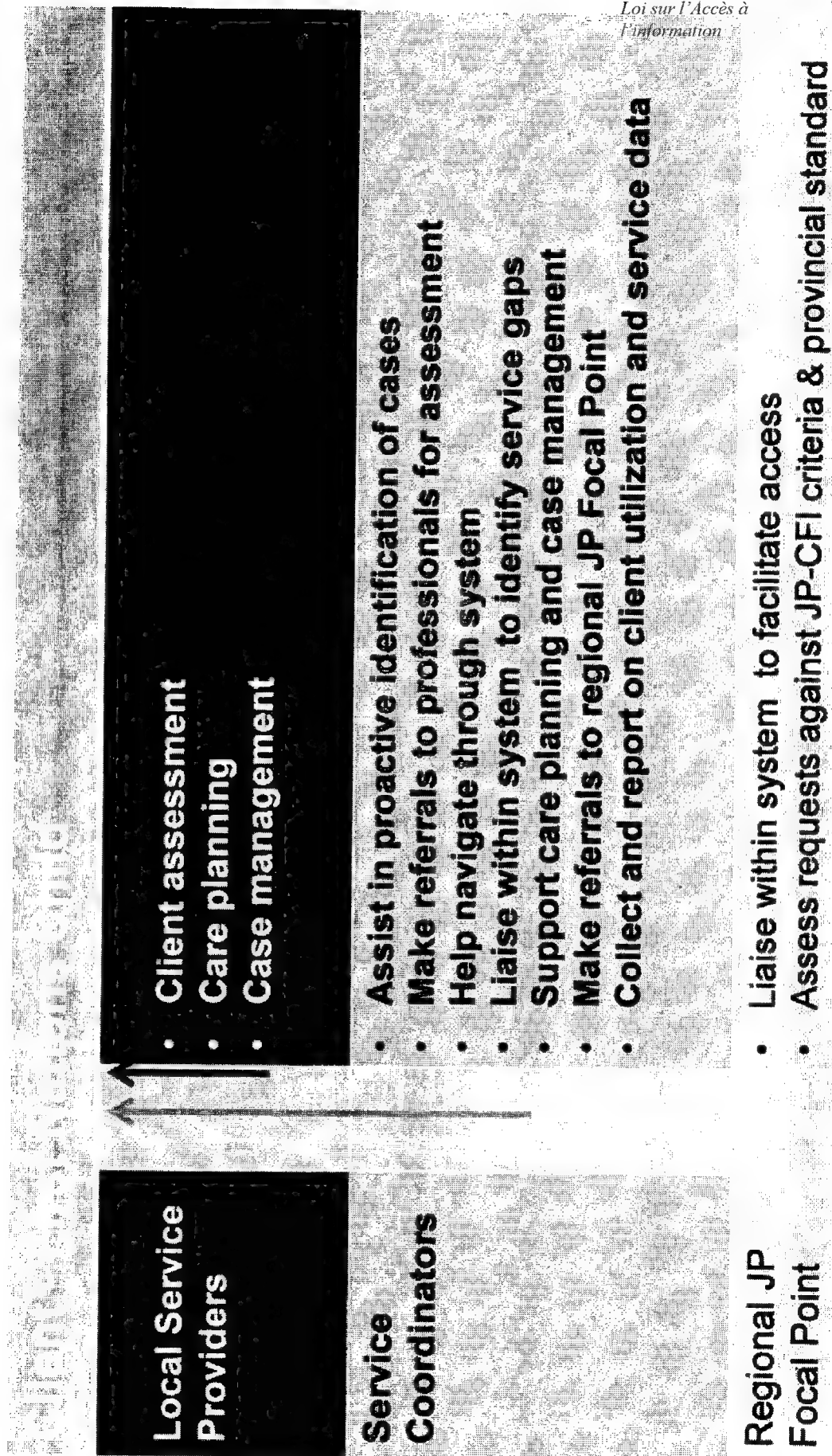
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10a



Canada

Jordan's Principle - Child First Initiative

Presentation to the
Mi'kmaq – Prince Edward Island – Canada
Health Policy and Planning Forum and the
Child and Family Services Policy and Planning Forum

October 12, 2016



First Nations and Inuit Health Branch, Atlantic Region



YOUR HEALTH AND SAFETY OUR PRIORITY

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2016 - 2019

- *Needs-based*, child-first approach to ensure access to services without delay or disruption due to jurisdictional gaps
- Still First Nations child on reserve or ordinarily resident on reserve
- Are within the age range of "children" as defined in their province/territory of residence
- Children assessed with needing health and/or social supports because of:
 - a disability affecting activities of daily living; OR
 - an interim critical condition affecting activities of daily living
- Child requires services comparable to provincial normative standards of care, AND requests BEYOND the normative standard will be considered on a case-by-case basis

Goal of New Approach

- The goal is to help ensure that children living on reserve with a disability or interim critical condition have equitable access to health and social services comparable to children living off reserve.
- Examples of services:
 - Allied health services, medical supplies & equipment, medical/health related transportation services, medically recommended nutritional supports
 - Meal programs, day programs, attendant care services, short term respite care, minor home adaptations related to accessibility.

Components of the JP-CFI

On July 5th, the Federal Government announced a new response to Jordan's Principle supported up to \$382M over three years.

There are 3 components of the Initiative:

1. Enhanced Service Coordination
2. Service Access Resolution
3. Engagement with First Nations and Provinces

1. "JP Fund" - Eligibility Determination Checklist

1. Is the request for a child as defined by provincial law? YES ☐ NO ☐
2. Is the child a Registered First Nation individual? YES ☐ NO ☐
3. Does the child live on reserve or ordinarily lives on reserve? YES ☐ NO ☐
4. Does the child have a disability that impacts his/her activities of daily living at home, school or within the community, OR has an interim critical condition requiring health or social services or supports? YES ☐ NO ☐
5. Has the child undergone an assessment by a health or social professional? YES ☐ NO ☐
6. 2 parts:
 - a. Does the request fall within the normative standard of care the province or territory of residence? If NO or UNKNOWN, see 6b. YES ☐ NO ☐ Unknown ☐
 - b. If the requested service or support is not within the normative standard, or the normative standard cannot be determined, should this request be considered an exception (ie. assessed by a professional as critically needed) under the JP-CFI? If YES, detail the reason. YES ☐ NO ☐
7. Have you sought access to services or support through existing programs within HC, INAC, or the provincial government? If yes, is the request: ☐ denied?, ☐ unresolved / pending, ☐ involved in a dispute, ☐ other? YES ☐ NO ☐

2. Enhanced Service Coordination

Client - First Nations Child

Local Service Providers

- Client assessment
- Care planning
- Case management

Service Coordinators

- Assist in proactive identification of cases
- Make referrals to professionals for assessment
- Help navigate through system
- Liaise within system to identify service gaps
- Support care planning and case management
- Make referrals to regional JP Focal Point
- Collect and report on client utilization and service data

Regional JP Focal Point

- Liaise within system to facilitate access
- Assess requests against JP-CFI criteria & provincial standard

3. Engaging Partners

- First Nations Engagement
 - Atlantic FNs Health Partnership re: Service Coordination
 - Sharing at tripartite tables (NS, PEI, Innu)
- Provincial Engagement
 - Each province has named a key contact to liaise on Jordan's Principle related matters.
 - HC & INAC are looking to meet with representatives from Health, Social Services, and Aboriginal Affairs in each province to discuss:
 - Establishing provincial standards of care
 - Working with the province on enhanced service coordination
 - Collaborating to address identified service gaps
 - Processing potential future disputes

Contacting the Jordan's Principle Focal Point

The vast majority of service needs can be resolved through the expertise available at the local level with or without the support of Service Coordinators. But if not, the regional JP Focal Point may be contacted in one of three ways:

1. Health Canada – ATL

Toll Free 1-866-225-0709

Fax (902) 426-1300

2. INAC – ATL

Toll Free 1-800-567-9604

Fax (902) 661-6237

3. INAC public enquiries referral telephone line:

Toll Free 1-800-567-9604 or

Email: InfoPubs@aadnc-aandc.gc.ca

Implementation Points

1. Cases may be referred to regional JP Focal Point.
2. Each community is being contacted to identify unmet respite care and allied health service needs for children.
3. Conducting a province by province gap analysis of health and social services for on-reserve children with disabilities.
4. In November, the Health Partnership Chiefs are deciding on an organizational model (and selection process) for the enhanced Service Coordination function in the region.
 - Health Technicians are proposing principles and criteria to aide in decision making.
5. Service Coordination to be implemented in 2016-17.

Regional updates

**FIRST NATIONS OF QUEBEC AND LABRADOR HEALTH
DIRECTORS' NETWORK**
September 2016

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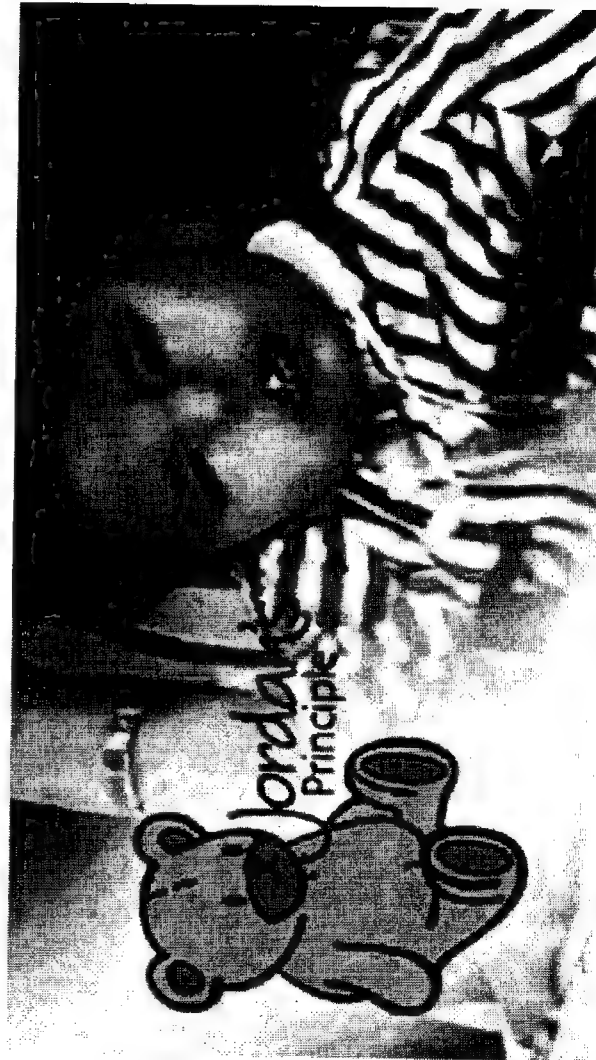


VOTRE SANTÉ ET VOTRE SÉCURITÉ NOTRE PRIORITÉ

1) Jordan's Principle – Child First Initiative

What is Jordan's Principle?

- On December 12, 2007, the House of Commons unanimously supported a Private Member's motion (M-296) stating that "the government should immediately adopt a child first principle, based on Jordan's Principle, to ensure that necessary care for a child is not delayed or disrupted by jurisdictional disputes".





The New Approach Definition

- The Child First Initiative is intended to ensure that First Nations children living on reserve and in the Yukon who have a disability or an interim critical condition affecting their activities of daily living have access to health and social services comparable to children living off reserve.

Jordan's Principle, Child First Initiative – Then and Now

Jordan's Principle, 2008

Jordan's Principle, Child-First Initiative 2016-2019

Dispute-based, triggered after declaration of a dispute between Canada and a province over payment for services

Needs-based, to ensure that the jurisdictional service gaps between governments regarding the payment of services do not disrupt, delay or prevent access to needed services

- Includes a new enhanced service coordination model of care, delivered by First Nations organizations

- First Nations child living on reserve

- First Nations child ordinarily living on reserve

- Children assessed with multiple disabilities requiring multiple providers

- Children assessed with:

- a disability affecting activities of daily living; or
- a short-term condition which required health or social support

- Required services comparable to provincial standards of care for children off reserve (the "normative standard") in a similar geographic location

- Required services comparable to the normative standard. Case-by-case basis

Guiding Principles

- 3 year initiative.
- Federal government must submit recommendations to establish a long-term approach.
 - Data collection is a key pillar of implementation (will inform renewal)
- Not intended to duplicate existing programming but to complement what already exists to ensure the health and social service needs of First Nations children living on reserve are addressed and that there are no gaps in supports and services.
- Based on normative "standards of care". Ensuring equitable access to children living on reserve compared to those living off reserve.
- Initiative for First Nations children aged 0-18 years in the case of Quebec ordinarily living on-reserve.
- Communities under treaties are excluded from the initiative as they are integrated into the provincial system.

Components of the Child First Initiative

On July 5th, the federal government announced a new response to Jordan's Principle supported by \$382M over three years.

There are 3 key components to the Initiative:

1. Enhanced Service Coordination (\$38M)
2. Service Access Resolution (\$327M)
3. Engagement with First Nations and Provinces

1. Enhanced Service Coordination

- Quebec regional budget for 2016-2017: \$811,365 (Set Funding)
- Service coordination will be performed by one or more external organizations and by First Nations communities.
- Typical functions of a Service Coordinator may include:
 - Identifying and assessing needs of children and their families;
 - Facilitating early intervention;
 - Developing integrated care plans;
 - Coordinating access to Federal/Provincial services and helping clients navigate the system;
 - Involving Jordan's Principle Focal Points as necessary to expediently address immediate service gaps;
 - Undertaking data collection, monitoring and reporting activities.

2. Service Access Resolution

- The fund can be used when service coordination attempts do not resolve issues, or when we identify needs that are not met through existing programs.
- The fund can only be used for cases related to the initiative.
- The fund is administered by Health Canada with the involvement of INAC.
- Every case is different and every request is different. The length of time required to obtain a decision can depend on many factors, but we will work with partners to get a decision quickly.

3. Engagement with Partners

- Since the ministerial announcement, FNIHB-QC has communicated with the communities in writing.
- FNIHB-QC nurses have contacted you to better understand the current needs of children in your community that could be covered by this initiative.
- Preliminary discussions with AINC, the FNQLHSSC and the Province of Québec were held.
- The Steering committee led by the FNQLHSSC should provide guidelines for the implementation of the initiative.
- A working group will be established with the partners (Coordinators' Committee) to discuss:
 - Provincial standards of care
 - Service coordination
 - Collaborating to address identified service gaps
 - Processing disputes (if needed)

Next Steps

- We are committed to keeping Health Directors informed and involved in the implementation of this Initiative.
- Nurses from FNIHB-QC continue to inventory current needs of children living on-reserve.
- We will continue to work with the First Nations of Quebec and Labrador Health and Social Services Commission (FNQLHSSC) to establish service coordination in the region.
- FNIHB-QC has been invited to present the initiative to the Quebec First Nations Network on September 28, 2016.
- The steering committee including partners will meet in November.

1) Principe de Jordan - Initiative de l'enfant d'abord

Qu'est-ce que le Principe de Jordan?

- Le 12 décembre 2007, la Chambre des communes a adopté à l'unanimité la motion d'initiative parlementaire (M-296) déclarant que "le gouvernement devrait immédiatement adopter le principe de l'enfant d'abord, basé sur le principe de Jordan, qui a la finalité de veiller à ce que les soins nécessaires à l'enfant ne soient retardés, ni interrompus en raison de litiges sur les compétences".



La nouvelle définition de l'approche

- L'initiative de l'enfant d'abord vise à ce que les enfants des Premières Nations vivant dans les réserves et sur le territoire du Yukon, qui sont atteints d'un handicap ayant une incidence sur leurs activités quotidiennes ou une condition particulière de courte durée aient accès à des services de santé et des services sociaux comparables à ceux vivant hors réserve.

Principe de Jordan, Initiative de l'enfant d'abord – Avant et maintenant

Principe de Jordan 2008

Une approche basée sur des différends entre le Canada et une province sur le paiement des services

Principe de Jordan, Initiative de l'enfant d'abord 2016-2019

Une approche basée sur les besoins, pour s'assurer

que les écarts de services ou les différends de compétences entre les gouvernements au sujet du paiement des services n'ont pas pour effet de perturber, de retarder ou d'empêcher l'accès aux services requis

- Comprend un nouveau modèle de coordination des services, rôle assumé par les organisations des Premières Nations

- Enfants des Premières Nations vivant dans une communauté

- Enfants, Premières Nations vivant habituellement dans une communauté

- Les enfants évalués avec des handicaps multiples nécessitant plusieurs fournisseurs

- Enfants évalués avec :

- Un handicap ayant une incidence sur leurs activités quotidiennes; ou
- Une condition particulière de courte durée qui requièrent des services de santé ou de soutien social

- Les services requis comparables aux normes de soins provinciales pour les enfants vivant hors réserve (la « norme ») dans un emplacement géographique similaire

- Les services requis comparables aux normes des soins provinciales, au cas par cas

Principes d'orientation

- Initiative d'une durée de 3 ans.
- Le gouvernement fédéral doit soumettre des recommandations pour établir une approche à long terme.
 - La collecte de donnée est un pilier essentiel de la mise en oeuvre (informera le renouvellement).
- L'intention n'est pas de dupliquer les programmes existants, mais de compléter ce qui existe déjà pour assurer que les besoins des enfants des Premières Nations vivant dans les réserves soient pris en compte et qu'il n'y a pas de lacunes dans les soutiens et les services en matière de santé et de services sociaux.
- Références normatives: assurer des accès équitables aux enfants qui habitent habituellement en réserve par rapport à ceux qui vivent hors réserve.
- Initiative pour les enfants des Premières Nations âgés de 0 et 18 ans dans le cas du Québec et qui vivent habituellement dans une réserve.
- Les communautés conventionnées sont exclues puisqu'elles sont intégrées dans le système provincial.

Composantes de l'initiative de l'enfant d'abord

Le 5 juillet, le gouvernement fédéral a annoncé une nouvelle approche au principe de Jordan, avec un investissement de 382 M\$ sur une période de trois ans.

L'initiative comprend les composantes clés suivantes:

1. Une meilleure coordination des services (38M\$)
2. Le règlement de l'accès aux services (327M\$)
3. La mobilisation avec les Premières Nations et les provinces

1. Une meilleure coordination des services

- Le budget régional du Québec pour 2016-2017 est de 811,365\$ (financement préétabli)
- La coordination des services sera effectuée par une ou plusieurs organisations externes et par les communautés des Premières Nations.
- Les fonctions types d'un coordonnateur de services pourraient inclure:
 - L'identification et l'évaluation des besoins des enfants et de leurs familles;
 - La facilitation d'une intervention précoce;
 - La conception de plans de soins intégrés;
 - La coordination de l'accès aux services fédéraux/provinciaux et l'aide aux clients à naviguer dans le système;
 - L'implication des points de contact du principe de Jordan, au besoin, pour pallier rapidement les lacunes immédiates en matière de service;
 - Entreprendre la collecte des données, le suivi et les rapports d'activités.

2. Le règlement et la gestion de l'accès aux services

- Le financement peut-être utilisé lorsque les coordonnateurs de services ne peuvent résoudre les enjeux ou lorsque des besoins ont été identifiés et qu'ils ne peuvent être comblés par les programmes existants.
- Le financement est utilisé seulement pour les cas en lien avec l'initiative.
- Le financement sera administré par Santé Canada avec la collaboration d'AANC.
- Chaque cas est différent et chaque demande est différente. Le temps pour obtenir une décision dépend de nombreux facteurs, mais nous allons travailler avec les partenaires pour obtenir une décision rapidement.

3. La mobilisation des partenaires

- Depuis l'annonce ministérielle, la DGSPNI-QC a communiqué avec les communautés par l'entremise d'une lettre.
- Des infirmières de la DGSPNI-QC communiquent actuellement avec les communautés pour mieux comprendre les besoins actuels des enfants dans votre communauté qui pourraient être visés par l'initiative.
- Des discussions préliminaires avec AANC, la CSSSPNQL et la province du Québec ont eu lieu.
- Le comité des partenaires mené par la CSSSPNQL devrait donner les orientations pour la mise en oeuvre de l'initiative.
- Un groupe de travail sera créé avec les partenaires (Comité des coordonnateurs) pour discuter:
 - Des normes de soins provinciales
 - La coordination des services
 - La collaboration pour combler les lacunes recensées dans les services
 - Traitement des litiges (au besoin)

Prochaines étapes

- Nous nous engageons à maintenir les directeurs santé informés et impliqués dans la mise en oeuvre de cette initiative.
- Les infirmières de la DGSPNI-QC continuent de recenser les besoins actuels des enfants vivant sur réserve.
- Nous allons continuer à travailler avec la CSSSPNQL dans le but d'établir les fonctions des coordonnateurs de services dans la région.
- La DGSPNI-QC a été invitée à présenter l'initiative au réseau québécois des répondants autochtones le 28 septembre prochain.
- Une rencontre du Comité des partenaires aura lieu en novembre 2016.

Principe de Jordan - Initiative de l'enfant d'abord

RENCONTRE DES RESPONSABLES DES DOSSIERS
AUTOCHTONES DU RÉSEAU DE LA SANTÉ ET DES SERVICES
SOCIAUX DU QUÉBEC

28 septembre 2016



VOTRE SANTÉ ET VOTRE SÉCURITÉ NOTRE PRIORITÉ

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CONTEXTE

- En décembre 2007, le principe de Jordan (PJ) a été adopté par la Chambre des communes en l'honneur de Jordan River Anderson.
- En 2008, Affaires autochtones et du Nord Canada (AANC) et Santé Canada ont été mandatés de mettre en œuvre le principe de Jordan.
- En janvier 2016, une plainte de la Société de soutien à l'enfance et à la famille des Premières Nations du Canada et de l'Assemblée des Premières Nations a été confirmée par le Tribunal canadien des droits de la personne. Le gouvernement du Canada a reçu l'ordre de cesser l'application de sa définition étroite du PJ, et de prendre immédiatement des mesures pour pleinement mettre en œuvre le sens et la portée de ce principe.
- En juillet 2016, le gouvernement du Canada a annoncé une aide financière pouvant aller jusqu'à 382 M\$ pour la mise en œuvre d'une nouvelle approche du Principe de Jordan – l'initiative de l'enfant d'abord.

La nouvelle définition

- L'initiative de l'enfant d'abord vise à ce que les enfants des Premières Nations vivant dans les réserves et sur le territoire du Yukon, qui sont atteints d'un handicap ayant une incidence sur leurs activités quotidiennes ou une condition particulière de courte durée (ex. suite à une opération) aient accès à des services de santé et des services sociaux comparables à ceux vivant hors réserve.

Principe de Jordan, Initiative de l'enfant d'abord – Avant et maintenant

Principe de Jordan 2008

Une approche basée sur des compétences entre le Canada et une province sur le paiement des services

Principe de Jordan, Initiative de l'enfant d'abord 2016-

2019

Une approche basée sur des compétences pour s'assurer que les gouvernements services ou les différends de compétences entre les gouvernements au sujet du paiement des services n'ont pas pour effet de perturber, de retarder ou d'empêcher l'accès aux services requis.

Enfants des Premières Nations vivant dans une communauté

Enfants Premières Nations vivant habituellement dans une communauté et qui appartiennent à la catégorie d'âge des « enfants » tel que défini dans leur province/territoire de résidence.

Les enfants évalués ayant des handicaps multiples nécessitant plusieurs fournisseurs

Enfants évalués avec:

- Un handicap ayant une incidence sur leurs activités quotidiennes; ou
- Une condition particulière de courte durée qui requièrent des services de santé ou de soutien social

Enfants ayant besoin de services comparables à ceux que reçoivent les autres enfants vivant à l'extérieur des réserves dans un emplacement géographique similaire et répondant aux normes provinciales

Enfants ayant besoin de services comparables aux services répondant aux normes provinciales en matière de soins, et enfants pour lesquels des demandes dépassant la norme sont présentées et examinées au cas par cas.

Principes d'orientation

- Initiative d'une durée de 3 ans.
- Le gouvernement fédéral doit soumettre des recommandations pour établir une approche à long terme.
- L'intention n'est pas de dupliquer les programmes existants, mais de compléter ce qui existe déjà pour assurer que les besoins des enfants des Premières Nations vivant dans les réserves soient pris en compte et qu'il n'y a pas de lacunes dans les soutiens et les services en matière de santé et de services sociaux.
- Références normatives: assurer des accès équitables aux enfants qui habitent habituellement en réserve par rapport à ceux qui vivent hors réserve. Pour les enfants dont les demandes dépassent la norme, ils seront examinés au cas par cas.
- Initiative pour les enfants des Premières Nations âgés de 0 et 18 ans et qui vivent habituellement dans une réserve.
- Les communautés conventionnées (cries, Inuits et naskapis) sont exclues puisqu'elles sont intégrées dans le système provincial.

Composantes de l'initiative de l'enfant d'abord

Le 5 juillet, le gouvernement fédéral a annoncé une nouvelle approche au principe de Jordan, avec un investissement de 382 M\$ sur une période de trois ans.

L'initiative comprend les composantes clés suivantes:

1. Une meilleure coordination des services (38M\$)
2. Le règlement de l'accès aux services (327M\$)
3. La mobilisation avec les Premières Nations et les provinces (17M\$)

1. Une meilleure coordination des services

- La coordination des services sera effectuée par une ou plusieurs organisations externes et par les communautés des Premières Nations.
- Les fonctions types des coordonnateurs de l'initiative pourraient inclure:
 - Des fonctions de sensibilisation;
 - L'accueil, l'évaluation et la coordination et;
 - La gestion de cas.

2. Le règlement et la gestion de l'accès aux services

- Le financement peut être utilisé lorsque les coordonnateurs de l'initiative ne peuvent résoudre les enjeux ou lorsque des besoins ont été identifiés et qu'ils ne peuvent être comblés par les programmes fédéraux existants.
- Le financement est utilisé seulement pour les cas en lien avec l'initiative et la reddition de compte sera importante.
- Le financement sera administré par Santé Canada avec la collaboration d'AANC.
- Chaque cas est différent et chaque demande est différente. Le temps pour obtenir une décision dépend de nombreux facteurs, mais nous allons travailler avec les partenaires pour obtenir une décision rapidement.

3. La mobilisation des partenaires

- Depuis l'annonce ministérielle, Santé Canada a communiqué avec les communautés.
- Des infirmières de Santé Canada communiquent actuellement avec les communautés pour mieux comprendre les besoins actuels des enfants dans les communautés qui pourraient être visés par l'initiative.
- Des discussions préliminaires avec AANC, la CSSSPNQL et la province du Québec ont eu lieu.
- Le comité des partenaires mené par la CSSSPNQL devrait donner les orientations pour la mise en oeuvre de l'initiative. Une rencontre aura lieu le 8 novembre 2016
- Un groupe de travail sera créé avec les partenaires (Comité des coordonnateurs) pour discuter:
 - Des normes de soins provinciales
 - La coordination des services
 - Prise de décision
 - La collaboration pour combler les lacunes recensées dans les services
 - Traitement des litiges (au besoin)

Points de contacts

Renseignements au public
Sans frais au 1-800-567-9604
Courriel: InfoPubs@aadnc-aandc.gc.ca

Familles des Premières Nations en voie d'obtention
d'améliorer des services pour des enfants
Services de santé non assurés de Santé Canada
Sans frais au: 1-877-483-1575

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A New Approach: Jordan's Principle A Child-First Initiative

September 7, 2016

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YOUR HEALTH AND SAFETY OUR PRIORITY

Background

- In December 2007, Jordan's Principle (JP) was passed in the House of Commons in honour of Jordan River Anderson;
- In 2008, Indigenous and Northern Affairs Canada (INAC) and Health Canada (HC) were tasked with implementing JP;
- In January 2016, a complaint from First Nations Child and Family Caring Society of Canada (FNCFCSC) and Assembly of First Nations (AFN) was substantiated by the Canadian Human Rights Tribunal (CHRT). The Government of Canada was ordered to cease applying its narrow definition of JP, and take measures to implement its full meaning and scope;
- In July 2016, the Government of Canada announced up to \$382M in new funding for a new approach to JP A Child-First Initiative (JP-CFI).

A New Approach: JP-CFI

Immediate:

- Ensure First Nations children with a disability or interim critical condition living on reserve have access to needed health and social services within the normative standard of care in their province/territory of residence.

Longer-Term:

- Over three years (2016 - 2019), track health and social service needs and requests as well as work with First Nations partners and provincial/territorial governments to develop a long-term approach aligned and integrated with health and social services across jurisdictions.

JP Then and Now

2008 - 2016

2016 - 2019

- *Dispute-based*, triggered after declaration of a dispute over payment for services within Canada, or between Canada and a province
- First Nations child living on reserve or ordinarily resident on reserve
- Child assessed with:
 - multiple disabilities requiring multiple providers
- Child required services comparable to provincial normative standards of care for children off-reserve in a similar geographic location
- *Needs-based*, child-first approach to ensure access to services without delay or disruption due to jurisdictional gaps
- Still First Nations child on reserve or ordinarily resident on reserve
- Are within the age range of "children" as defined in their province/territory of residence
- Children assessed with needing health and/or social supports because of:
 - a disability affecting activities of daily living; OR
 - an interim critical condition affecting activities of daily living
- Child requires services comparable to provincial normative standards of care, AND requests BEYOND the normative standard will be considered on a case-by-case basis

Key Components of JP-CFI

- Implement an enhanced service coordination model of care
- Establish a service access resolution fund
- Engage with First Nations partners and provinces/territories
- Track health and social service needs and requests

Service Coordination

Service Coordination – Roles and Responsibilities

Outreach

- Facilitate early intervention
- Improve client awareness of existing supports and services
- Assist in identifying children with a disability with unmet needs
- Liaise with other organizations to identify services to enhance government support

Intake, Assessment, and Coordination

- Help clients navigate the system, including referrals
- Coordinate access to federal, provincial and territorial services
- Identify alternative models of service delivery for improved access and efficiency
- Involve CFI focal points when necessary

Case Management

- Support the full continuum of case management processes
- Develop integrated care plans
- Support planning for clients transitioning into adulthood

- Data collection, analysis and reporting

Service Access Resolution Fund

This Fund Will:

- Enable HC and INAC to respond to the assessed immediate health and social needs of First Nations children living on reserve in a timely manner;
- Meet the unmet needs that are not being addressed through existing F/P/T programming; and
- Include an appeal process.

Tracking service needs and requests

HC and INAC need to better understand the nature and scope of needs, and the jurisdictional service gaps.

Information collected will focus on elements such as:

- Types of unmet needs, number of children requiring services, the normative standard of care, barriers and challenges to accessing services, etc.

Will inform the development of longer-term policy and program reforms.

Stakeholder Engagement

HC and INAC are committed to meaningful engagement with First Nations and provincial/Yukon territorial partners using existing processes.

Initial engagement has focused on:

- Information sharing with partners
- Regional discussions re establishing Service Coordination

Longer-term engagement will be co-led with the AFN and regional First Nations partners to inform longer-term solutions.

Activity Timeline

July 2016: Ministers
announcement on new Child-First
Initiative

Fall/Winter 2016: Identify
Service Coordination
organizations; negotiate and
sign CAs

Fall 2016: Kick-off meeting for
long-term engagement
strategy with First Nations and
provinces/Yukon territory

Spring 2016: Interim guidance to
Regions to take broader approach

Summer 2016:
Communicated new
approach to First Nations
and Inuit national partners,
provinces/territories

Fall 2016: Finalize data collection
plan

Winter 2016: Service
coordination model in place in
all Regions

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JP-CFI

Questions?

Thank you!

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Meeting with Rehabilitation Centre for Children – Jordan's Principle Child First Initiative (JP-CFI) Meeting Minutes

Meeting Date/Time: September 16, 2016 9:30am – 12:00pm

Location: Rehabilitation Centre for Children, SSYC Centre 1155 Notre Dame Avenue, Winnipeg, Manitoba

Attendees:

Rehabilitation Centre for Children (RCC) and Specialized Services for Children + Youth (SSCY):

- [REDACTED] Executive Director, RCC, Community Services Division
- [REDACTED] Director of Rehab Therapies, RCC
- [REDACTED] Manager, SSCY Central Intake

Manitoba Health, Seniors and Active Living

- [REDACTED] Senior Policy Analyst

Health Sciences Centre (HSC)

- [REDACTED] Administrative Director, Regional Women's Health & Child Health Programs, and HSC Women's Hospital & Children's Hospital

Health Canada (HC) - First Nations and Inuit Health Branch (FNIHB):

- [REDACTED] Regional Executive Officer, Manitoba Region
- [REDACTED] Regional Home and Community Care Coordinator / HC JP-CFI Focal Point
- [REDACTED] Junior Program Officer, JP-CFI
- [REDACTED] Nurse Manager Public Health for Health Centres
- [REDACTED] Director, Health Funding Arrangements (HFA)
- [REDACTED] Community Liaison Officer (CLO), HFA

Indigenous and Northern Affairs Canada (INAC):

- [REDACTED] Social Development Operational Specialist / INAC JP-CFI Focal Point
- [REDACTED] First Nation Child & Family Services Program

Regrets: [REDACTED] Regional Director, Manitoba Saskatchewan Region, Public Health Agency of Canada (PHAC)

Next meeting Date: To be confirmed

I. Introductions and Tour of facility 9:30am – 10:30am

Greetings and staff introductions took place. [REDACTED] and [REDACTED] provided the group with an extensive tour of the Rehabilitation Centre for Children and gave overview of the integrated services provided in the centre.

II. Group Meeting and Discussions 10:30am – 12:00pm

[REDACTED] started discussions by thanking RRC / SSCY Staff for the tour of the facility. [REDACTED] expressed challenges we face when trying to serve First Nation clients living on reserve, due to remoteness, access issues, limitations of Non Insured Health Benefits (NIHB) program, provincial differences, jurisdictional issues and lack of investments in North resulting in medical transportation costs being high to access services, etc. [REDACTED] gave background on exciting news regarding the new funding announcement for Jordan's Principal Child First Initiative (JP-CFI) and indicated that the fund is held jointly between HC and INAC, with HC taking the lead role. Each department has a focal point of contact, Betty Ann is the JP-CFI for INAC and Joe Gacheru is the JP-CFI focal point for Health Canada. [REDACTED] also explained that both departments will be collaborating, to ensure a team effort and avoid duplication, we also need to ensure that provincial and other services already being provided won't drop off or be offloaded due to new JP-CFI funding. The initiative is for 3 years, during which time we are to work across jurisdictions to develop long term service solutions. Pam also participates in the ADM oversight committee and

Meeting with Rehabilitation Centre for Children – Jordan's Principle Child First Initiative (JP-CFI) Meeting Minutes

it's hoped her equivalent (Regional Director General) from INAC will also join the committee. [REDACTED] expressed our interest to learn about services of SSCY, what the gaps are and how we might work with RCC in having an agreement in place for them to provide services to our clients on a referral basis. As of right now we are unsure of the volume of services required and number of clients who will be referred. And we need to engage more broadly with other service providers and include First Nations input as well. There may be a pent up demand, which will take time to build up and eventually stabilize. Once the agreement is in place FNIHB will add money to the agreement as needed, in a drawdown fashion. It is important to know that no carry forward option exists with this money, so RCC estimates will need to be as accurate as possible nearing the end of the fiscal year. Payable at Year-End (PAYE's) are not possible with this fund but an advance on new year funding can be done if needed, however preference is to use funds from old year whenever possible. It is our goal to provide eligible JP-CFI clients living on reserve with provincially comparable goods and services offered to people living off reserve in Manitoba. This initiative may also present an opportunity for some children to return home in cases where they were put in agency care off reserve by the parents as the only way for the children to receive services. In each First Nation community in Manitoba, FNIHB funds the community to hire staff to provide programs, hire Health Directors, etc. Unfortunately, communities have less access to experts to assist them with providing comparable services. It's our goal to connect community service workers to resources, experts, develop capacity and expertise within the aboriginal communities. The JP-CFI fund will also be used to support service coordination at the First Nation (FN) and Tribal Council (TC) levels, as well as at service organizations. The new money from this fund will also be used to provided eligible JP-CFI clients with respite services (though our Home and Community Care Program), physiotherapy, occupational therapy, speech therapy, equipment adaptation to vehicles, etc. Example of a previous gap was hospital beds (which now can be approved through NIHB).

[REDACTED] and [REDACTED] reviewed Schedule B with the group from the Contribution Agreement (CA). The CA outlines expectation of funder and recipients. The idea is for the CA to be systematic, to be used for all communities, drawdown money, add money as/when needed, without delaying eligible services. Multiple changes to the draft schedule were suggested to broaden the scope of the agreement to keep it open to so that it could be used to fund different services and goods as the initiative grows and evolves. The goal of the CA is to provide provincially normative/comparable services and goods to children and youth (ages 0-18) with disabilities (including short term conditions) in accordance with the Jordan's Principal Child First Initiative (JP-CFI). Provider travel is an eligible expense under the CA and the preferred method of coordinating services in cases where it makes sense for the providers to travel into communities instead of bringing individual clients out to RCC. This approach maximizes the amount of clients they can provide service to without exhausting the fund on travel costs. Travel for more than a day trip is preferred again due to high travel costs and maximizing service delivery. RRC mentioned that they would like to be invited by the community to provide services in their community. FNIHB mentioned we will be having a Public Health (PH) nurses and Home and Care Coordinators (HCC) annual meeting scheduled in October (dates to be confirmed) with one day dedicated to JP-CFI. This would be an opportunity for introductions and a chance to meet some workers from the communities. Joe to add RCC/SSCY to the agenda once confirmed.

RCC mentioned they work with various sources and partners such Society for Manitobans with Disabilities (SMD), St. Amant Centre, Health Sciences Centre (HSC), Regional Health Authorities (RHA's) Children Therapy Initiative (CTI), School divisions, etc. Under the contribution agreement with FNIHB, RCC would act as the banker and would coordinate and sub-contract out services/goods delivery with partners and other service providers when they cannot provide services themselves or when they can't be provided in-house. RRC clarified that Specialized Services for Children and Youth (SSCY) is not a legal entity, so the agreement would be with Rehabilitation Centre for Children (RCC). RRC would like to start initially with providing four therapy services (speech therapy, audiology, occupational therapy and physiotherapy). Regular reports from RRC would be required. FNIHB mentioned again our preference and ideal to have services delivered locally, and the FNIHB is willing to fund

Meeting with Rehabilitation Centre for Children – Jordan's Principle Child First Initiative (JP-CFI) Meeting Minutes

health provider travel to do so. FNIHB clarified that the JP-CFI is not a program; it is a three year interim/initiative only at this point. However, FNIHB mentioned that our Home and Community Care Program (HCCP) will continue to provide services to eligible clients under that program including for adults (over 18 years old). Our HCCP is familiar with case management and coordinating with other programs for health and social services such as the in Home Care program (INAC) to deliver services with a holistic and team approach.

There is also a potential to fund RCC for the service coordination, as the new clients referred from FNIHB may increase their administrative workload within their organization. At this time FNIHB is uncertain of the volume of clients who will be requiring services and how fast the need will grow. RCC expressed that they would like FNIHB to consider assigning someone to work in their centre in the beginning. It was mentioned that Raymond would be starting full time in October working on this initiative and he would be available to them as their regular point of contact in terms obtaining approving for clients to receive services/goods from RCC under the CA. The workflow would include the HC/FNIHB Focal Point sending cases to Raymond, who would obtain approval from Head Quarters (HQ), and make the amendment to the CA to add funding.

RCC mention that their work with Children Therapy Initiative (CTI) in Thompson is getting a lot of clients from FN communities in the Island Lake areas. For example, they already received 65 referrals for services such as speech therapy, occupational therapy, audiology, etc. Supply of professional staff to deliver services is a concern, may need to recruit additional staff. RCC also advised they will get client consent for information sharing with its partners and FNIHB. FNIHB mentioned information sharing was likely covered under implied consent and our 'circle of care' but that it would be a good idea to have a consent form in place to ensure compliance with privacy laws.

III. Action Items & Next Steps

- [REDACTED] to circulate the draft of Schedule B for further edits. Hoping to finalize CA between FNIHB & RCC shortly.
- [REDACTED] to add RCC to agenda for the PH & HCC's meeting in October.
- Joint JP-CFI message from HC & INAC to be sent to all Manitoba First Nation Chiefs & Councils (C&C's).
- Quarterly meetings with FNIHB staff and RCC to follow up, review processes, check in, etc.



**MOVING FORWARD TOGETHER
PUBLIC HEALTH & HOME CARE NURSES ANNUAL MEETING
OCTOBER 18-20, 2016
CLUB REGENT CANAD INNS
3-DAY AGENDA**

DAY 1 – October 18, 2016

7:00 am – Breakfast (provided)

Time	Ambassador Ballroom
8:30am – 9:00am	██████████ – Emcee/Elder <ul style="list-style-type: none">• Opening Prayer• Review of Agenda
9:00am – 10:15am	Opening Remarks – Presented by ██████████, Regional Executive Officer – FNIHB
10:15am – 10:30am	HEALTH BREAK
10:30am – 11:15am	Rehabilitation Centre for Children – Presented by ██████████ – Executive Director, Director of Community Services, WRHA Child Health Program
11:15am – 12:15pm	Panel Discussion: Roles for Children First Initiative: ██████████, ██████████, ██████████, & ██████████
12:15pm – 1:15pm	LUNCH (provided)
1:15 pm – 2:15 pm	“My Child, My Heart” – Presented by Pinaymootang First Nation Presented By: ██████████ – Executive Health Director & ██████████ – Case Manager
2:15 pm – 2:30 pm	HEALTH BREAK
2:30 pm – 3:30 pm	“Children with Disability Project” – Presented by Opaskwayak Cree Nation Presented By: ██████████
3:30 pm – 4:00 pm	“Putting it all together” – Presented by ██████████

4:00 pm – DAY 1 ADJOURNED

HEAD OFFICE:
Long Plain Reserve #6B, Band #287
P.O. Box 338, 5010 Crescent Road West
Portage la Prairie, MB, R1N 3B7
Ph: (204) 239-8650
Fax: (204) 857-6037

HEALTH SERVICES:
Unit 1, 4820 Portage Avenue
Headingley, MB, R4H 1C8
Ph: (204) 988-5370
Fax: (204) 947-5179



DAY 2 – OCTOBER 19, 2016

7:00 AM: Breakfast (provided)

Time	Ambassador Ballroom A & B (CHN)	Ambassador Ballroom C & D (HCC)
9:00 – 9:30 am	FNIHB Public Health Updates, [REDACTED]	FNIHB Home & Community Care Updates, [REDACTED]
9:30am – 10:00am	Harm Reduction Presented by 595 Prevention Team	HCCP Nursing Policy & Procedure Manual Presented by [REDACTED]
10:00am – 10:15am	Best Start Resources – Presented by [REDACTED] CHN	ESDRT/HRTT Updates Presented by, [REDACTED]
10:15 – 10:30 am	HEALTH BREAK	HEALTH BREAK
10:30am – 12:00 am	Public Health Unit: •	Virtual Hospice- Presented by,
12:00pm – 1:00pm	LUNCH (provided)	
1:00pm – 2:00 pm	Public Health Standards – Presented by [REDACTED]	
2:00pm – 2:15 pm	HEALTH BREAK	
2:15 pm – 3:15 pm	Healthy Living Screen, Presented by Waywayseecappo First Nation- [REDACTED], & [REDACTED]	
3:15 pm – 4:00 pm	Health Services Integration Fund (HSIF) Initiatives – Presented by [REDACTED]	

4:00 pm – DAY 2 ADJOURNED

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Day 3 - OCTOBER 20, 2016

7:00 AM: Breakfast (provided)

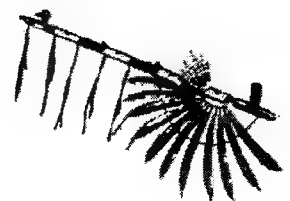
Time	Ambassador Ballroom
9:00 am – 10:45 am	Key note speaker – [REDACTED]
10:45 am – 11:00 am	HEALTH BREAK
11:00 am – 12:00 pm	Panorama Update, Presented by [REDACTED], & [REDACTED] [REDACTED]
12:00 pm – 1:00 pm	LUNCH (provided)
1:00 pm – 2:00 pm	HCCP Nurse Authorizer – Presented by [REDACTED]
2:00 pm – 2:15 pm	HEALTH BREAK
2:15 pm – 3:15 pm	Chronic Condition Management Chart – Presented by [REDACTED], Clinical Nurse Specialist-FNIHB
3:15 pm – 4:00 pm	Retiring Staff & Acknowledgements

4:00 PM:

- Closing remarks,
- Closing Prayer

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A New Approach: Jordan's Principle A Child-First Initiative

September 7, 2016

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to Information Act
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YOUR HEALTH AND SAFETY OUR PRIORITY

Background

- In December 2007, Jordan's Principle (JP) was passed in the House of Commons in honour of Jordan River Anderson;
- In 2008, Indigenous and Northern Affairs Canada (INAC) and Health Canada (HC) were tasked with implementing JP:
- In January 2016, a complaint from First Nations Child and Family Caring Society of Canada (FNCFCSC) and Assembly of First Nations (AFN) was substantiated by the Canadian Human Rights Tribunal (CHRT). The Government of Canada was ordered to cease applying its narrow definition of JP, and take measures to implement its full meaning and scope;
- In July 2016, the Government of Canada announced up to \$382M in new funding for a new approach to JP A Child-First Initiative (JP-CFI).

A New Approach: JP-CFI

Immediate:

- Ensure First Nations children with a disability or interim critical condition living on reserve have access to needed health and social services within the normative standard of care in their province/territory of residence.

Longer-Term:

- Over three years (2016 - 2019), track health and social service needs and requests as well as work with First Nations partners and provincial/territorial governments to develop a long-term approach aligned and integrated with health and social services across jurisdictions.

JP Then and Now

2008 - 2016

- *Dispute-based*, triggered after declaration of a dispute over payment for services within Canada, or between Canada and a province
- First Nations child living on reserve or ordinarily resident on reserve
- Child assessed with:
 - multiple disabilities requiring multiple providers
- Child required services comparable to provincial normative standards of care for children off-reserve in a similar geographic location

2016 - 2019

- *Needs-based*, child-first approach to ensure access to services without delay or disruption due to jurisdictional gaps
- Still First Nations child on reserve or ordinarily resident on reserve
- Are within the age range of "children" as defined in their province/territory of residence
- Children assessed with needing health and/or social supports because of:
 - a disability affecting activities of daily living; OR
 - an interim critical condition affecting activities of daily living
- Child requires services comparable to provincial normative standards of care, AND requests BEYOND the normative standard will be considered on a case-by-case basis

Key Components of JP-CFI

- Implement an enhanced service coordination model of care
- Establish a service access resolution fund
- Engage with First Nations partners and provinces/territories
- Track health and social service needs and requests

Service Coordination

Service Coordination – Roles and Responsibilities

Outreach

- Facilitate early intervention
- Improve client awareness of existing supports and services
- Assist in identifying children with a disability with unmet needs
- Liaise with other organizations to enhance government support

Intake, Assessment, and Coordination

- Help clients navigate the system, including referrals
- Coordinate access to federal, provincial and territorial services
- Identify alternative models of service delivery for improved access and efficiency
- Involve CFI focal points when necessary

Case Management

- Support the full continuum of case management processes
- Develop integrated care plans
- Support planning for clients transitioning into adulthood

- Data collection, analysis and reporting

Service Access Resolution Fund

This Fund Will:

- Enable HC and INAC to respond to the assessed immediate health and social needs of First Nations children living on reserve in a timely manner;
- Meet the unmet needs that are not being addressed through existing F/P/T programming; and
- Include an appeal process.

Tracking service needs and requests

HC and INAC need to better understand the nature and scope of needs, and the jurisdictional service gaps.

Information collected will focus on elements such as:

- Types of unmet needs, number of children requiring services, the normative standard of care, barriers and challenges to accessing services, etc.

Will inform the development of longer-term policy and program reforms.

Stakeholder Engagement

HC and INAC are committed to meaningful engagement with First Nations and provincial/Yukon territorial partners using existing processes.

Initial engagement has focused on:

- Information sharing with partners
- Regional discussions re establishing Service Coordination

Longer-term engagement will be co-led with the AFN and regional First Nations partners to inform longer-term solutions.

Activity Timeline

July 2016: Ministers
announcement on new Child-First
Initiative

Fall/Winter 2016: Identify
Service Coordination
organizations; negotiate and
sign CAs

Fall 2016: Kick-off meeting for
long-term engagement
strategy with First Nations and
provinces/Yukon territory

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Communicated new
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plan

Winter 2016: Service
coordination model in place in
all Regions

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JP-CFI

Questions?

Thank you!

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Fact Sheet:

Jordan's Principle - Addressing the Needs of First Nations Children

The Government of Canada's new approach to Jordan's Principle is a child-first approach that addresses in a timely manner the needs of First Nations children living on reserve with a disability or a short-term condition. It ensures all children have access to the health and social services they need, when they need them. The Government of Canada has committed up to \$382 million in funding to this proactive response. Work is starting immediately and Indigenous and Northern Affairs Canada and Health Canada are already applying the broader definition.

The new approach to Jordan's Principle includes the following key components:

- Enhanced Service Coordination
- Service Access Resolution
- Engagement with First Nations and jurisdictional partners on a longer-term approach

Together, these will ensure that the federal government is positioned to meet the goal of immediately responding to the needs of First Nations children living on-reserve while also working to develop the capacity to proactively identify and manage the support and service needs of vulnerable children.

Enhanced Service Coordination

The Service Coordination function addresses critical gaps for First Nations children living on-reserve. It will address health and social service gaps not met by provinces or the Yukon Territory and improve case management functions of existing federal programs. It will also help to manage costs and support a more comprehensive approach to data collection.

How it will work

Health Canada will administer Funding Arrangements with First Nations organizations to hire a regional Service Coordinator that will:

- assess needs
- facilitate early intervention
- develop integrated care plans
- connect the child and family to needed services
- remove the stress of navigating service systems
- support families as they manage their needs
- involve Jordan's Principle focal points, as necessary, to expediently address immediate service gaps.

Service Access Resolution and Management

The service access resolution and management function will provide the ability to intervene and prevent a disruption or delay in supports and services – which is key to

the Government's response to the Canadian Human Rights Tribunal decision regarding Jordan's Principle.

How it will work

The service access resolution fund will be administered by Health Canada with joint oversight by Health Canada and Indigenous and Northern Affairs Canada Assistant Deputy Ministers.

When service coordination attempts do not resolve issues or identify needs that are not met through existing programs, support will be provided and paid for through the fund.

Engaging Partners

Engagement is a key component of the new approach to Jordan's Principle.

How it will work

First Nations and jurisdictional partners will be engaged on the design, management and implementation of the service access resolution and management component, as well as longer-term policy and program reform.

Educational Services & Awareness
(Ex: resources/equipment, classroom
aides, building/playroom/modifications,
transition to school,
awareness/educational campaigns in
school and community)

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Personal & Emotional Supports
(Ex: counselling, support groups,
companion/buddy for the child, peer
activities and supports).

In a perfect world, what kind of
supports would be available to
families and children with
exceptional needs to live
healthy and fulfilling lives?

**Professional Health Services &
Equipment**
(Ex: doctors, community health nurse,
screening and diagnosis clinics,
wheelchairs, audio/visual supports,
speech & language services)

Cultural & Community Supports
(Ex: elders, attendance at cultural
events, accommodations for
participation, cultural teachings).

Healthy Child Development Engagement Session

Dates:

Location:

Background:

FNIHB funds First Nations to provide services for children ages 0-6 years through Maternal Child Health (MCH), Fetal Alcohol Spectrum Disorder (FASD), and Aboriginal Head Start On-Reserve (AHSOR). These programs are able to offer some services to children with exceptional needs living on-reserve. FNIHB-SK also funds ECIP agencies to provide services for children ages 0-5 with exceptional needs living on-reserve.

FNIHB-SK recognizes the importance of gaining a better understanding of the successes of existing services and to learn where more work is necessary. This includes services for children aged 0-6 years with exceptional needs as well as services for those ages 6-18 years.

Meeting Objective:

To review available services for First Nations children with exceptional needs living on-reserve, to gather information about services required for these children and their families, and to work toward interim plans to meet these needs quickly and effectively.

Agenda

Opening prayer

Introduction & Review of session agenda and context

Presentation by MCH/FASD/AHSOR and ECIP (overview of what programs do)

Group Activity

6 – 8 questions about what services are available for children with exceptional needs and their families (small groups)

Brief recap of responses (5 min)

Summary and Evaluation of Today

Closing Remarks

Closing prayer

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JP-CFI

Questions?

Thank you!

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Health Santé
Canada Canada

First Nations and Inuit Health Branch, Alberta Region
Suite 730, 9700 Jasper Avenue
Edmonton, Alberta T5J 4C3

July 7, 2016

RE: Government of Canada's New Approach to Implementing Jordan's Principle

Dear Chiefs of Alberta:

I am pleased to share with you that the Ministers of Health and Indigenous and Northern Affairs have announced a new approach to the implementation of Jordan's Principle (see announcement and fact sheet attached).

This new approach focuses on First Nations children on reserve with an ongoing disability affecting their activities of daily living, as well as those who present with a short-term condition for which there is a critical need for health or social supports. The Government of Canada will fund and facilitate well-coordinated, timely services and supports meeting the needs of vulnerable First Nations children.

Specifically, the Government of Canada will dedicate \$382 million over three years to ensure the health and social needs of First Nations children with a disability or a short term condition living on reserve are met.

In my June 24th update to Health Co-Management, I indicated that First Nations and Inuit Health Branch, Alberta region (FNIHB-AB) has been reviewing past cases whereby Jordan's Principle may apply and is working to address outstanding issues. The region has also implemented a central point of contact for communities or individuals regarding Jordan's Principle. Recognizing the divergent and complex health needs covered under Jordan's Principle, FNIHB-AB at 1-855-809-6966 will direct each call to the staff best suited to facilitate the services required.

Moving forward, a new Service Coordination function will be established and funded through Funding Arrangements to proactively identify and address the needs of children with disabilities. Further, the Service Access Resolution component will address immediate risk of service delay or disruption on a case by case basis with access to a source of funds to address critical unmet health and social needs.

In the coming weeks, I look forward to working with you, Health Co-Management, and our other partners, on the design, management and implementation of the Service Access Resolution and Management and Service Coordination components, as well as longer-term policy and program reform.

Sincerely,

Jocelyn Andrews
Regional Executive Officer
First Nations and Inuit Health Branch, Alberta Region

Canada

cc. Health Directors
Health Co-Management
Jim Sisson, Regional Director General, Indigenous and Northern Affairs Canada
Dr. Carl Amrhein, Deputy Minister, Alberta Health
Donavon Young, Deputy Minister, Alberta Indigenous Relations

Attachments: Joint Statement from the Minister of Health and the Minister of Indigenous and Northern Affairs on Responding to Jordan's Principle

Jordan's Principle Fact Sheet

Joint Statement from the Minister of Health and the Minister of Indigenous and Northern Affairs on Responding to Jordan's Principle

July 5, 2016 - Ottawa, ON Health Canada / Indigenous and Northern Affairs Canada

OTTAWA – The Government of Canada has listened to the concerns raised by the Canadian Human Rights Tribunal and our First Nations partners regarding Jordan's Principle. There is no question – we believe children must receive the health care and social services they need, when they need them.

Today, we are responding to these concerns and announcing a new approach to implement Jordan's Principle. This approach will put the needs of children first and ensure that First Nations children living on-reserve receive the health and social services they need in a timely manner.

The Government of Canada has committed up to \$382 million in new funding to provide support to this new approach and broader definition of Jordan's Principle. This funding will be used to enhance service coordination and ensure service access resolution so that children's needs are assessed and responded to quickly.

Engagement is another important part of the new approach to Jordan's Principle. Both Health Canada and Indigenous and Northern Affairs Canada are actively engaging with First Nations, and jurisdictional partners to establish what supports are needed as well as to find ways to enhance service coordination and prevent delays in receiving health care and social services.

Together, we remain fully committed to meeting this vital goal of responding to the needs of First Nations children living on-reserve and honouring the true spirit of Jordan's Principle.

See Jordan's Principle [Fact Sheet](#) for details

Jordan's Principle Fact Sheet

Addressing the Needs of First Nations Children On-reserve

The Government of Canada's new approach to Jordan's Principle is a child-first approach that addresses, in a timely manner, the needs of First Nations children living on reserve with a disability or a short-term condition requiring health or social services. It ensures all children have access to the health and social services they need. This proactive response will be provided with \$382 million over three years in funding. Work is starting immediately and Indigenous and Northern Affairs Canada and Health Canada are already applying the broader definition.

The \$382 million approach to Jordan's Principle includes the following key components:

- Enhanced Service Coordination
- Service Access Resolution

In addition, the Government of Canada will engage with provinces and Yukon and First Nations partners on a longer-term approach.

Together these activities will ensure that the federal government is positioned to meet the goal of immediately responding to the needs of First Nations children living on-reserve while also working to develop the capacity to proactively identify and manage the health and social support and service needs of vulnerable First Nations children.

Enhanced Service Coordination

The Service Coordination function addresses critical gaps for First Nations children living on-reserve. It will proactively identify and address health and social service gaps not met by provinces or the Yukon Territory and improve case management functions of existing federal programs. It will also help to manage costs and support a more comprehensive approach to data collection.

How it will work

Health Canada will administer Funding Arrangements with external organizations, such as Regional Health Authorities or Tribal Councils, who will hire a regional Service Coordinator to:

- assess needs
- facilitate early intervention
- develop integrated care plans
- connect the child and family to needed services
- remove the stress of navigating service systems
- support families as they manage their needs
- involve regional Jordan's Principle focal points, as necessary, to expediently address immediate service gaps.

Service Access Resolution and Management

The service access resolution and management function will enable JP focal points to respond to the critical needs of First Nations children on reserve who have a disability or a discrete short term condition requiring health or social services, preventing a disruption or delay in supports and services – which is key to the Government's child-first principle.

How it will work

The service access resolution fund will be administered by Health Canada with joint oversight by Health Canada and Indigenous and Northern Affairs Canada Assistant Deputy Ministers.

While Service Coordination facilitates early intervention, the service access resolution fund will allow an immediate response to the critical health and social needs of First Nations children living on-reserve.

Engaging Partners

Engagement is a key component of the new approach to Jordan's Principle.

How it will work

First Nations partners, provinces and Yukon government will be engaged on the design, management and implementation of the Service Access Resolution and Management and Service Coordination components, as well as longer-term policy and program reform.



First Nations and Inuit Health Branch, Alberta Region
Suite 730, 9700 Jasper Avenue
Edmonton, Alberta T5J 4C3

August 08, 2016

RE: Government of Canada's New Approach to Implementing Jordan's Principle

Dear all FNIHB and Band Employed Nurses:

Recently the Ministers of Health and Indigenous and Northern Affairs announced a new approach to the implementation of Jordan's Principle (see announcement and fact sheet attached). It is important that you are aware of Jordan's Principle and this "Child First" approach as it has potential impacts for your clients.

The Child First approach focuses on First Nations children with an ongoing disability affecting their activities of daily living, as well as those who present with a short-term condition for which there is a critical need for health or social supports. The Government of Canada will fund and facilitate well-coordinated, timely services and supports meeting the needs of vulnerable First Nations children.

Specifically, the Government of Canada has dedicated \$382 million over three years to ensure the health and social needs of First Nations children with a disability or a short term condition are met.

First Nations and Inuit Health Branch, Alberta region (FNIHB-AB) has been reviewing previous requests whereby the Child First approach may apply and is already working to address outstanding issues. The region has also implemented a central point of contact for communities or individuals that have questions about the Child First approach. Recognizing the divergent and complex health needs; inquiries should be directed to 1-855-809-6966 and FNIHB-AB staff will then triage each call to the area best suited to facilitate the services required.


Moving forward, a new Service Coordination function will be established and funded through Funding Arrangements to proactively identify and address the needs of children with disabilities.

Please see below a brief overview of Jordan's Principle and the First Child approach. I have also provided a reference guide as to how you can assist clients and individuals you are working with. Please review this material, including the Announcement and Fact Sheet attached, so that together we can provide the highest quality health services in First Nations communities.

Overview for Nurses:

- Please read the information below/attached to orientate yourself to the new approach.
- There will be further details coming to help guide your assistance with these clients.
- As part of your regular work, if you see or are approached about a First Nations child with disabilities (short term or long term) that may not be receiving the needed health or social services normally provided to a child off-reserve, please contact FNIHB-AB at: 1-855-809-6966 where your call will be directed to the staff best suited to facilitate the services required.
- The Government of Canada and FNIHB Alberta Region are immediately implementing actions in support this new approach.
- Further engagement with First Nations leadership and provincial partners is underway.

Sincerely,



Shawn Grono
Director of Nursing
First Nations and Inuit Health Branch, Alberta Region

Attachments: Guide for Nurses on Jordan's Principle – A Child First Approach

Joint Statement from the Minister of Health and the Minister of Indigenous and
Northern Affairs on Responding to Jordan's Principle

Jordan's Principle Fact Sheet

Information for Nursing Staff Jordan's Principle

What is Jordan's Principle?

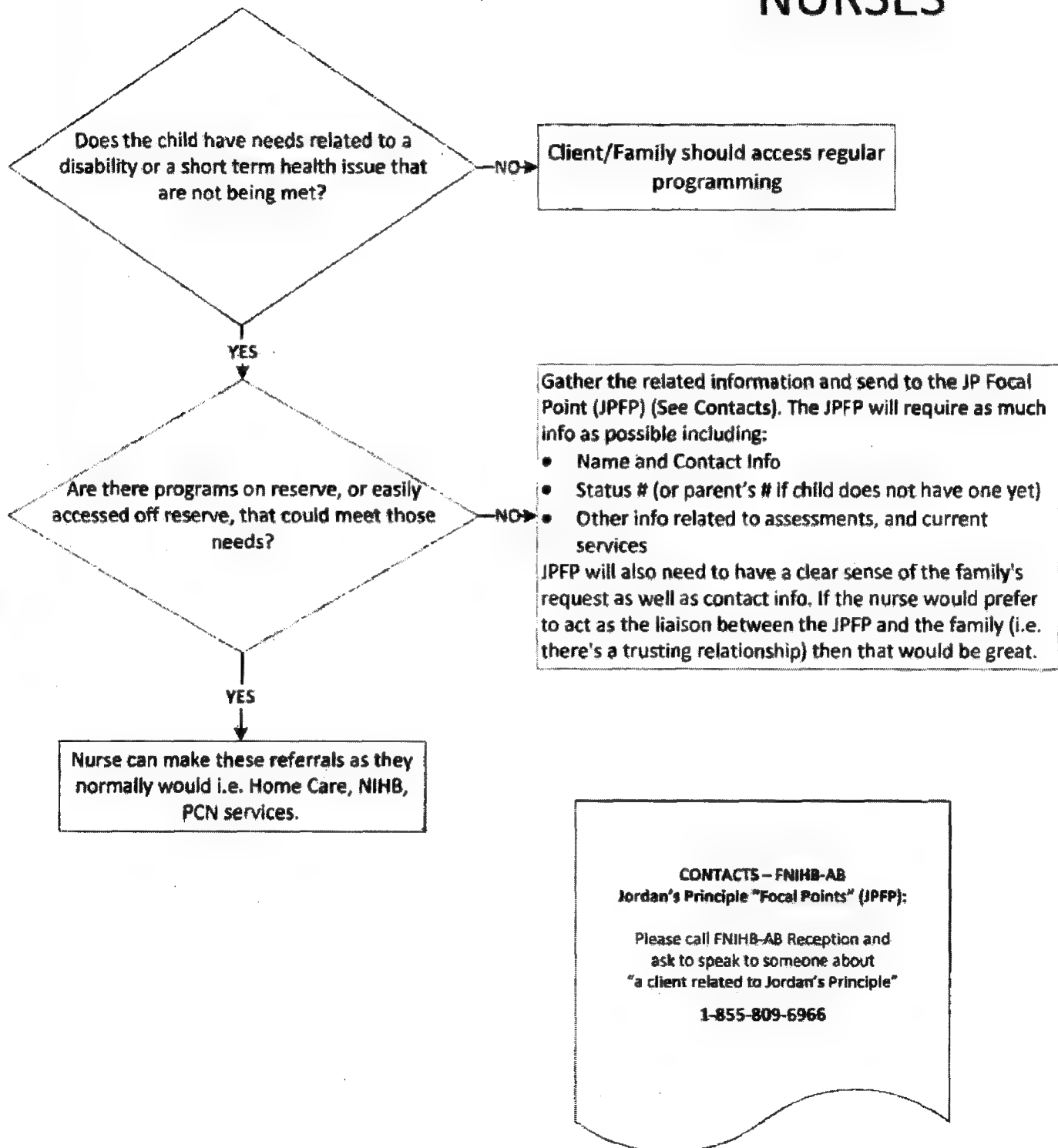
- A principle used in Canada to resolve disputes between government authorities about who pays for services for First Nations children.
- Jordan's Principle ensures that First Nations children can access services the same as all children in Canada. They should not experience any service denials, delays or disruptions related to their First Nations status.
- The government has expanded how Jordan's Principle is used to ensure it focuses on the needs of the child.
- On July 5, 2016, the Minister of Health, along with the Minister of Indigenous and Northern Affairs, announced the Government's commitment of up to \$382 million over three years to implement a new approach to Jordan's Principle. This includes funding for an Enhanced Service Coordination model of care, and a Service Access Resolution mechanism.
- The new approach focuses on First Nations children living with an ongoing disability affecting their activities of daily living, as well as those who have a short-term issue for which there is a critical need for health or social supports. The scope of Jordan's Principle has been expanded to include disputes between federal departments, and not only between the federal and provincial/territorial governments.
- The region has implemented a central point of contact for communities or individuals regarding Jordan's Principle. Recognizing the divergent and complex health needs covered under Jordan's Principle, FNIHB-AB staff can be contacted at 1-855-809-6966 where each call will be triaged to the area best suited to facilitate the services required.

What is Health Canada Doing?

- Health Canada helps ensure First Nations children and families have access to the health and social services they need.
- We work closely with Indigenous and Northern Affairs Canada and other partners to ensure First Nations children can access services needed.
 - If a child needs services or support that cannot be addressed quickly within existing authorities Jordan's Principle contacts (focal points) will work with partners to immediately resolve.
- When a need is beyond the known, existing or available resources, an initial assessment is carried out to determine:
 - need/issue/problem
 - background/context/living conditions
 - services or types of services required
 - estimated cost and timeframe (i.e. short-term intervention or chronic long-term)
 - recommendations provided by a professional or other service provider of the requested service or item
 - If the service is within the normal standard of care, or is an exceptional circumstance that may be covered by the province/territory or FNIHB. We may also reach out to a third party provider or other organization to seek assistance in having the item covered (e.g. volunteer organization, etc.).
- The region has implemented a central point of contact for communities or individuals regarding Jordan's Principle. Recognizing the divergent and complex health needs covered under Jordan's Principle, FNIHB-AB staff can be contacted at 1-855-809-6966 where each call will be triaged to the area best suited to facilitate the services required.

Jordan's Principle – A Child-First Approach

NURSES



Statement Article from  Health Canada Santé Canada

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July 5, 2016 - Ottawa, ON Health Canada / Indigenous and Northern Affairs Canada

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Engagement is another important part of the new approach to Jordan's Principle. Both Health Canada and Indigenous and Northern Affairs Canada are actively engaging with First Nations, and jurisdictional partners to establish what supports are needed as well as to find ways to enhance service coordination and prevent delays in receiving health care and social services.

Together, we remain fully committed to meeting this vital goal of responding to the needs of First Nations children living on-reserve and honouring the true spirit of Jordan's Principle.

See Jordan's Principle [Fact Sheet](#) for details

Contacts

Christina Lazarova
Office of Jane Philpott
Minister of Health
(613) 957-0200

Media Relations
Health Canada
(613) 957-2983

Sabrina Williams
Press Secretary
Office of the Honourable Carolyn Bennett
819-997-0002

Media Relations
Indigenous and Northern Affairs Canada
819-953-1160

Public Inquiries:
(613) 957-2991
1-866 225-0709

Backgrounder Article from  Health Canada Santé Canada

Fact Sheet: Jordan's Principle - Addressing the Needs of First Nations Children

The Government of Canada's new approach to Jordan's Principle is a child-first approach that addresses in a timely manner the needs of First Nations children living on reserve with a disability or a short-term condition. It ensures all children have access to the health and social services they need, when they need them. The Government of Canada has committed up to \$382 million in funding to this proactive response. Work is starting immediately and Indigenous and Northern Affairs Canada and Health Canada are already applying the broader definition.

The new approach to Jordan's Principle includes the following key components:

- Enhanced Service Coordination
- Service Access Resolution
- Engagement with First Nations and jurisdictional partners on a longer-term approach

Together, these will ensure that the federal government is positioned to meet the goal of immediately responding to the needs of First Nations children living on-reserve while also working to develop the capacity to proactively identify and manage the support and service needs of vulnerable children.

Enhanced Service Coordination

The Service Coordination function addresses critical gaps for First Nations children living on-reserve. It will address health and social service gaps not met by provinces or the Yukon Territory and improve case management functions of existing federal programs. It will also help to manage costs and support a more comprehensive approach to data collection.

How it will work

Health Canada will administer Funding Arrangements with First Nations organizations to hire a regional Service Coordinator that will:

- assess needs
- facilitate early intervention
- develop integrated care plans
- connect the child and family to needed services
- remove the stress of navigating service systems
- support families as they manage their needs
- involve Jordan's Principle focal points, as necessary, to expediently address immediate service gaps.

Service Access Resolution and Management

The service access resolution and management function will provide the ability to intervene and prevent a disruption or delay in supports and services – which is key to the Government's response to the Canadian Human Rights Tribunal decision regarding Jordan's Principle.

How it will work

The service access resolution fund will be administered by Health Canada with joint oversight by Health Canada and Indigenous and Northern Affairs Canada Assistant Deputy Ministers.

When service coordination attempts do not resolve issues or identify needs that are not met through existing programs, support will be provided and paid for through the fund.

Engaging Partners

Engagement is a key component of the new approach to Jordan's Principle.

How it will work

First Nations and jurisdictional partners will be engaged on the design, management and implementation of the service access resolution and management component, as well as longer-term policy and program reform.

**Discussion Items
Health Directors Meeting
Treaty 7 Management Corporation
August 11, 2016**

1. Child's First Initiative (Jordan's Principle)
2. Mental Health Interim Measures
3. Minister Philpott Visit - Priorities
 - Mental Health And Wellness
 - Home Care
 - Non Communicable and Infectious Disease
 - Health Human Resources
 - Stigma and Discrimination
4. Regional Engagement Sessions Considerations
 - Province / First Nation bilateral
 - Joint Action Health Plan
 - Treaty area specific
 - HCOM governance structure

**Discussion Items
PTO Check-In
Confederacy of Treaty Six First Nations
August 24, 2016**

1. Child's First Initiative (Jordan's Principle)
2. Minister Philpott Visit - Priorities
 - Mental Health And Wellness – Prevention/Promotion
 - Home Care
 - Non Communicable and Infectious Disease
 - Health Human Resources
 - Stigma and Discrimination
3. Regional Engagement Sessions Considerations
 - Province / First Nation bilateral
 - Joint Action Health Plan
 - Treaty area specific
 - HCoM governance structure

**Discussion Items
PTO Check-In
Treaty 8 First Nations of Alberta
September 6, 2016**

1. Child's First Initiative (Jordan's Principle)
2. Minister Philpott Visit - Priorities
 - Mental Health And Wellness – Prevention/Promotion
 - Home Care
 - Non Communicable and Infectious Disease
 - Health Human Resources
 - Stigma and Discrimination
3. Regional Engagement Sessions Considerations
 - Province / First Nation bilateral
 - Joint Action Health Plan
 - Treaty area specific
 - HCoM governance structure

Regional Collaborative Service Delivery Expansion to First Nations

Advisory Committee
AGENDA
September 12, 2016
2:00-4:00pm
Room 904 (Ninth Floor)
44 Capital Blvd (10044-108 Street Edmonton)

Support the expansion of Regional Collaborative Service Delivery to First Nations.

Agenda:

1. Welcome and Introductions
 – Project Lead
2. Agenda Review
3. Review Meeting Notes from May 9, 2016 Meeting
4. Terms of Reference Review (Discussion)

New Business:

5. Project Status - Update
6. First Nations Engagement - Update (Discussion)
7. Funding Allocations to RCSD Regions - Update
8. Other

Next Meeting: October 12, 2016 Room 904 -44 Capital Blvd.

A New Approach:

Jordan's Principle - Child-First Initiative

**putting children first*

September 15, 2016



YOUR HEALTH AND SAFETY OUR PRIORITY

Background

- In December 2007, Jordan's Principle (JP) was passed in the House of Commons in honour of Jordan River Anderson;
- In 2008, Indigenous and Northern Affairs Canada (INAC) and Health Canada (HC) were tasked with implementing JP;
- In January 2016, a complaint from First Nations Child and Family Caring Society of Canada (FNCFCSC) and Assembly of First Nations (AFN) was substantiated by the Canadian Human Rights Tribunal (CHRT). The Government of Canada was ordered to cease applying its narrow definition of JP, and take measures to implement its full meaning and scope;
- In July 2016, the Government of Canada announced up to \$382M in new funding for a new approach to JP A Child-First Initiative (JP-CFI).

A New Approach: JP-CFI

Immediate:

- Ensure First Nations children with a disability or interim critical condition living on reserve have access to needed health and social services within the normative standard of care in their province/territory of residence.

Longer-Term:

- Over three years (2016 - 2019), track health and social service needs and requests as well as work with First Nations partners and provincial/territorial governments to develop a long-term approach aligned and integrated with health and social services across jurisdictions.

JP Then and Now

2008 - 2016

- *Dispute-based*, triggered after declaration of a dispute over payment for services within Canada, or between Canada and a province
- First Nations child living on reserve or ordinarily resident on reserve
- Child assessed with:
 - multiple disabilities requiring multiple providers
- Child required services comparable to provincial normative standards of care for children off-reserve in a similar geographic location

2016 - 2019

- *Needs-based*, child-first approach to ensure access to services without delay or disruption due to jurisdictional gaps
- Still First Nations child on reserve or ordinarily resident on reserve
- Are within the age range of "children" as defined in their province/territory of residence
- Children assessed with needing health and/or social supports because of:
 - a disability affecting activities of daily living; OR
 - an interim critical condition affecting activities of daily living
- Child requires services comparable to provincial normative standards of care, AND requests BEYOND the normative standard will be considered on a case-by-case basis

Key Components of JP-CFI

- Implement an enhanced service coordination model of care
- Establish a service access resolution fund
- Engage with First Nations partners and provinces/territories
- Track health and social service needs and requests

Service Coordination

Service Coordination – Roles and Responsibilities

Outreach

- Facilitate early intervention
- Improve client awareness of existing supports and services
- Assist in identifying children with a disability with unmet needs
- Liaise with other organizations to identify services to enhance government support

Intake, Assessment, and Coordination

- Help clients navigate the system, including referrals
- Coordinate access to federal, provincial and territorial services
- Identify alternative models of service delivery for improved access and efficiency
- Involve CFI focal points when necessary

Case Management

- Support the full continuum of case management processes
- Develop integrated care plans
- Support planning for clients transitioning into adulthood

- Data collection, analysis and reporting

Service Access Resolution Fund

This Fund Will:

- Enable HC and INAC to respond to the assessed immediate health and social needs of First Nations children living on reserve in a timely manner;
- Meet the unmet needs that are not being addressed through existing F/P/T programming; and
- Include an appeal process.

Tracking service needs and requests

HC and INAC need to better understand the nature and scope of needs, and the jurisdictional service gaps.

Information collected will focus on elements such as:

- Types of unmet needs, number of children requiring services, the normative standard of care, barriers and challenges to accessing services, etc.

Will inform the development of longer-term policy and program reforms.

Early Results and Outcomes

To date, 17 cases have been approved for funding, providing **73 children** with access to services and supports that would otherwise not be available to these children.

Children have received services/supports such as: specialized medical equipment and supplies; medical transportation; specialized day programs for children with disabilities, addiction treatment and respite services, at a cost of approximately **\$226,839.56**.

Respite and Allied Services for Children

On July 14th, 2016, Health Canada sent out a request to all the Regions requesting an inventory of the need for funding for children with disabilities under Home Care such as in-home respite and allied services such as:

- Occupational therapy
- Physiotherapy
- Speech therapy, etc.

4 out of 6 regions responded with estimates of children in various communities requiring services.

586 children are in need of services with an estimation of \$9.7M per annum that could be covered by the JP-CFI fund.

Stakeholder Engagement

HC and INAC are committed to meaningful engagement with First Nations and provincial/Yukon territorial partners using existing processes.

Initial engagement has focused on:

- Information sharing with partners
- Regional discussions re establishing Service Coordination

Longer-term engagement will be co-led with the AFN and regional First Nations partners to inform longer-term solutions.

Activity Timeline

July 2016: Ministers
announcement on new Child-First
Initiative

Fall/Winter 2016: Identify
Service Coordination
organizations; negotiate and
sign CAs

Fall 2016: Kick-off meeting for
long-term engagement
strategy with First Nations and
provinces/Yukon territory

Spring 2016: Interim guidance to
Regions to take broader approach

Summer 2016:
Communicated new
approach to First Nations
and Inuit national partners,
provinces/territories

Fall 2016: Finalize data collection
plan

Winter 2016: Service
coordination model in place in
all Regions

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to Information Act
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JP-CFI

Questions?

Thank you!

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to Information Act*

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HEALTH CANADA 13

A New Approach: Jordan's Principle A Child-First Initiative

September 7, 2016

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YOUR HEALTH AND SAFETY OUR PRIORITY

Background

- In December 2007, Jordan's Principle (JP) was passed in the House of Commons in honour of Jordan River Anderson;
- In 2008, Indigenous and Northern Affairs Canada (INAC) and Health Canada (HC) were tasked with implementing JP;
- In January 2016, a complaint from First Nations Child and Family Caring Society of Canada (FNCFCSC) and Assembly of First Nations (AFN) was substantiated by the Canadian Human Rights Tribunal (CHRT). The Government of Canada was ordered to cease applying its narrow definition of JP, and take measures to implement its full meaning and scope;
- In July 2016, the Government of Canada announced up to \$382M in new funding for a new approach to JP A Child-First Initiative (JP-CFI).

A New Approach: JP-CFI

Immediate:

- Ensure First Nations children with a disability or interim critical condition living on reserve have access to needed health and social services within the normative standard of care in their province/territory of residence.

Longer-Term:

- Over three years (2016 - 2019), track health and social service needs and requests as well as work with First Nations partners and provincial/territorial governments to develop a long-term approach aligned and integrated with health and social services across jurisdictions.

JP Then and Now

2008 - 2016

- *Dispute-based*, triggered after declaration of a dispute over payment for services within Canada, or between Canada and a province
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2016 - 2019

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 - a disability affecting activities of daily living; OR
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Key Components of JP-CFI

- Implement an enhanced service coordination model of care
- Establish a service access resolution fund
- Engage with First Nations partners and provinces/territories
- Track health and social service needs and requests

Service Coordination

Service Coordination – Roles and Responsibilities

Outreach

- Facilitate early intervention
- Improve client awareness of existing supports and services
- Assist in identifying children with a disability with unmet needs
- Liaise with other organizations to identify services to enhance government support

Intake, Assessment, and Coordination

- Help clients navigate the system, including referrals
- Coordinate access to federal, provincial and territorial services
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- Meet the unmet needs that are not being addressed through existing F/P/T programming; and
- Include an appeal process.

Tracking service needs and requests

HC and INAC need to better understand the nature and scope of needs, and the jurisdictional service gaps.

Information collected will focus on elements such as:

- Types of unmet needs, number of children requiring services, the normative standard of care, barriers and challenges to accessing services, etc.

Will inform the development of longer-term policy and program reforms.

Stakeholder Engagement

HC and INAC are committed to meaningful engagement with First Nations and provincial/Yukon territorial partners using existing processes.

Initial engagement has focused on:

- Information sharing with partners
- Regional discussions re establishing Service Coordination

Longer-term engagement will be co-led with the AFN and regional First Nations partners to inform longer-term solutions.

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JP-CFI

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HEALTH CANADA 11

Mental Health and Addictions Subcommittee Agenda



Date: September 27-29, 2016	Location: [REDACTED] [REDACTED]	
Teleconference Info:	[REDACTED] [REDACTED] [REDACTED]	Participant Access code [REDACTED]

1. Youth Prevention Programming and Services to include historical, traditional and language education in partnership with C & Y Subcommittee and AANDC (CFS Program).
2. Integrating addiction counselling services with NIHB Mental Health Crisis counselling services/traditional healers in partnership with NIHB Subcommittee.
3. Accessible Detox services in partnership with HSIF (including AHS, AH) and NIHB Subcommittee (Medical Transportation).
4. Comprehensive and accessible addiction recovery support programs for on and off reserve members in partnership with AANDC (income support), NIHB Subcommittee and AHS.
5. (MHA) Elders Advisory with consideration for Joint Work Plan activities.
6. House of Healing – healing support for front line mental health and addictions workers partnership

Date: September 27 – Day 1

Topic	Activity	Lead	Time	Prerequisites
Topic	What is to be covered	Who will lead the discussion?		Information: action, decision?
Opening prayer		Volunteer	9:00 – 9:05	
Introductions			9:05 – 9:10	
Review of agenda	Review and approval of the agenda	Co-Chairs	9:10 – 09:15	Agenda
Review minutes	Errors and omissions to be identified and noted	Co-Chairs	9:15 – 9:25	Last meeting minutes
Review Meeting Norms	Review of meeting Norms	Co-Chairs	9:25 – 9:30	
Elder's Declaration		Co-Chairs	9:30 – 9:45	
Operational Plan	Update	[REDACTED]	9:45 – 10:15	Information
Break			10:15 – 10:30	
Child First Initiative	Update	[REDACTED]	10:30 – 11:00	Information
Mental Wellness Team	Update	[REDACTED]	11:00 – 11:30	Information
Treaty 6 FLW	Discussion	[REDACTED]	11:30 – 11:45	
NAYSPS Funding	Update	[REDACTED]	11:45 – 12:15	Information
Lunch			12:15 – 1:15	
Strategic Planning		[REDACTED]	1:15 – 2:15	
Break			2:15 – 2:30	
Strategic Planning		Facilitator	2:30 – 4:00	
Wrap up	Reflect on key learnings and discuss next steps	Facilitator	4:00 – 4:15	
Adjourn	Day 1		4:15	
Close of Day				

A New Approach: Jordan's Principle A Child-First Initiative

September 7, 2016

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Longer-Term:

- Over three years (2016 - 2019), track health and social service needs and requests as well as work with First Nations partners and provincial/territorial governments to develop a long-term approach aligned and integrated with health and social services across jurisdictions.

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 - a disability affecting activities of daily living; OR
 - an interim critical condition affecting activities of daily living
- Child requires services comparable to provincial normative standards of care, AND requests BEYOND the normative standard will be considered on a case-by-case basis

- Child assessed with:
 - multiple disabilities requiring multiple providers
- Child required services comparable to provincial normative standards of care for children off-reserve in a similar geographic location

Key Components of JP-CFI

- Implement an enhanced service coordination model of care
- Establish a service access resolution fund
- Engage with First Nations partners and provinces/territories
- Track health and social service needs and requests

Service Coordination

Service Coordination – Roles and Responsibilities

Outreach

- Facilitate early intervention
- Improve client awareness of existing supports and services
- Assist in identifying children with a disability with unmet needs
- Liaise with other organizations to enhance government support

Intake, Assessment, and Coordination

- Help clients navigate the system, including referrals
- Coordinate access to federal, provincial and territorial services
- Identify alternative models of service delivery for improved access and efficiency
- Involve CFI focal points when necessary

Case Management

- Support the full continuum of case management processes
- Develop integrated care plans
- Support planning for clients transitioning into adulthood

- Data collection, analysis and reporting

Service Access Resolution Fund

This Fund Will:

- Enable HC and INAC to respond to the assessed immediate health and social needs of First Nations children living on reserve in a timely manner;
- Meet the unmet needs that are not being addressed through existing F/P/T programming; and
- Include an appeal process.

Tracking service needs and requests

HC and INAC need to better understand the nature and scope of needs, and the jurisdictional service gaps.

Information collected will focus on elements such as:

- Types of unmet needs, number of children requiring services, the normative standard of care, barriers and challenges to accessing services, etc.

Will inform the development of longer-term policy and program reforms.

Stakeholder Engagement

HC and INAC are committed to meaningful engagement with First Nations and provincial/Yukon territorial partners using existing processes.

Initial engagement has focused on:

- Information sharing with partners
- Regional discussions re establishing Service Coordination

Longer-term engagement will be co-led with the AFN and regional First Nations partners to inform longer-term solutions.

Activity Timeline

July 2016: Ministers
announcement on new Child-First
Initiative

Fall/Winter 2016: Identify
Service Coordination
organizations; negotiate and
sign CAs

Fall 2016: Kick-off meeting for
long-term engagement
strategy with First Nations and
provinces/Yukon territory

Spring 2016: Interim guidance to
Regions to take broader approach

Summer 2016:
Communicated new
approach to First Nations
and Inuit national partners,
provinces/territories

Fall 2016: Finalize data collection
plan

Winter 2016: Service
coordination model in place in
all Regions

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to Information Act
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l'information

JP-CFI

Questions?

Thank you!

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October 6, 2016

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**Child and Family Services Engagement Process:
Senior Officials Steering Committee Meeting
Fantasyland Hotel, Edmonton
17700 – 87 Avenue, Conference Room 5**

AGENDA

- 1:15 pm Opening Prayer, Elder TBD
Introduction of Co-chairs:
 • [REDACTED] ADM, First Nations and Metis Relations,
 Alberta Indigenous Relations
 • [REDACTED] CEO, Treaty 7 Management Corporation
Round Table/Introductions – All
Review of Agenda
Review and update of minutes from previous meeting (June, 2016)
- 1:30 pm Operational Items:
 • Review of SOSC TOR - All
 • Communications Processes - All
 • Funding - All
- 2:00 pm Cultural Connections for Indigenous Children in Care (Presentation)
 – [REDACTED] CYS, Human Services
- 2:30 pm OCYA Review on Aboriginal Youth Suicide – [REDACTED] HS
- 3:00 pm Health Break
- 3:15 pm Federal Engagement (Discussion) – [REDACTED] INAC
- 3:30 pm Children's First Initiative-Jordan's Principle (Update) – [REDACTED]
 [REDACTED] FNIB (Guest)
- 4:00 pm Updates from TWG Meeting
- 4:15 pm Next Meeting/Steps
- 4:30 pm Closing prayer and adjournment

A New Approach: Jordan's Principle - Child-First Initiative

**putting children first*

September 15, 2016



YOUR HEALTH AND SAFETY OUR PRIORITY

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Background

- In December 2007, Jordan's Principle (JP) was passed in the House of Commons in honour of Jordan River Anderson;
- In 2008, Indigenous and Northern Affairs Canada (INAC) and Health Canada (HC) were tasked with implementing JP;
- In January 2016, a complaint from First Nations Child and Family Caring Society of Canada (FNCFCSC) and Assembly of First Nations (AFN) was substantiated by the Canadian Human Rights Tribunal (CHRT). The Government of Canada was ordered to cease applying its narrow definition of JP, and take measures to implement its full meaning and scope;
- In July 2016, the Government of Canada announced up to \$382M in new funding for a new approach to JP A Child-First Initiative (JP-CFI).

A New Approach: JP-CFI

Immediate:

- Ensure First Nations children with a disability or interim critical condition living on reserve have access to needed health and social services within the normative standard of care in their province/territory of residence.

Longer-Term:

- Over three years (2016 - 2019), track health and social service needs and requests as well as work with First Nations partners and provincial/territorial governments to develop a long-term approach aligned and integrated with health and social services across jurisdictions.

JP Then and Now

2008 - 2016

- *Dispute-based*, triggered after declaration of a dispute over payment for services within Canada, or between Canada and a province
- First Nations child living on reserve or ordinarily resident on reserve
- Child assessed with:
 - multiple disabilities requiring multiple providers
- Child required services comparable to provincial normative standards of care for children off-reserve in a similar geographic location

2016 - 2019

- *Needs-based*, child-first approach to ensure access to services without delay or disruption due to jurisdictional gaps
- Still First Nations child on reserve or ordinarily resident on reserve
- Are within the age range of "children" as defined in their province/territory of residence
- Children assessed with needing health and/or social supports because of:
 - a disability affecting activities of daily living; OR
 - an interim critical condition affecting activities of daily living
- Child requires services comparable to provincial normative standards of care, AND requests BEYOND the normative standard will be considered on a case-by-case basis

Key Components of JP-CFI

- Implement an enhanced service coordination model of care
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- Include an appeal process.

Tracking service needs and requests

HC and INAC need to better understand the nature and scope of needs, and the jurisdictional service gaps.

Information collected will focus on elements such as:

- Types of unmet needs, number of children requiring services, the normative standard of care, barriers and challenges to accessing services, etc.

Will inform the development of longer-term policy and program reforms.

Early Results and Outcomes

To date, 17 cases have been approved for funding, providing **73 children** with access to services and supports that would otherwise not be available to these children.

Children have received services/supports such as: specialized medical equipment and supplies; medical transportation; specialized day programs for children with disabilities, addiction treatment and respite services, at a cost of approximately **\$226,839.56**.

Respite and Allied Services for Children

On July 14th, 2016, Health Canada sent out a request to all the Regions requesting an inventory of the need for funding for children with disabilities under Home Care such as in-home respite and allied services such as:

- Occupational therapy
- Physiotherapy
- Speech therapy, etc.

4 out of 6 regions responded with estimates of children in various communities requiring services.

586 children are in need of services with an estimation of \$9.7M per annum that could be covered by the JP-CFI fund.

Stakeholder Engagement

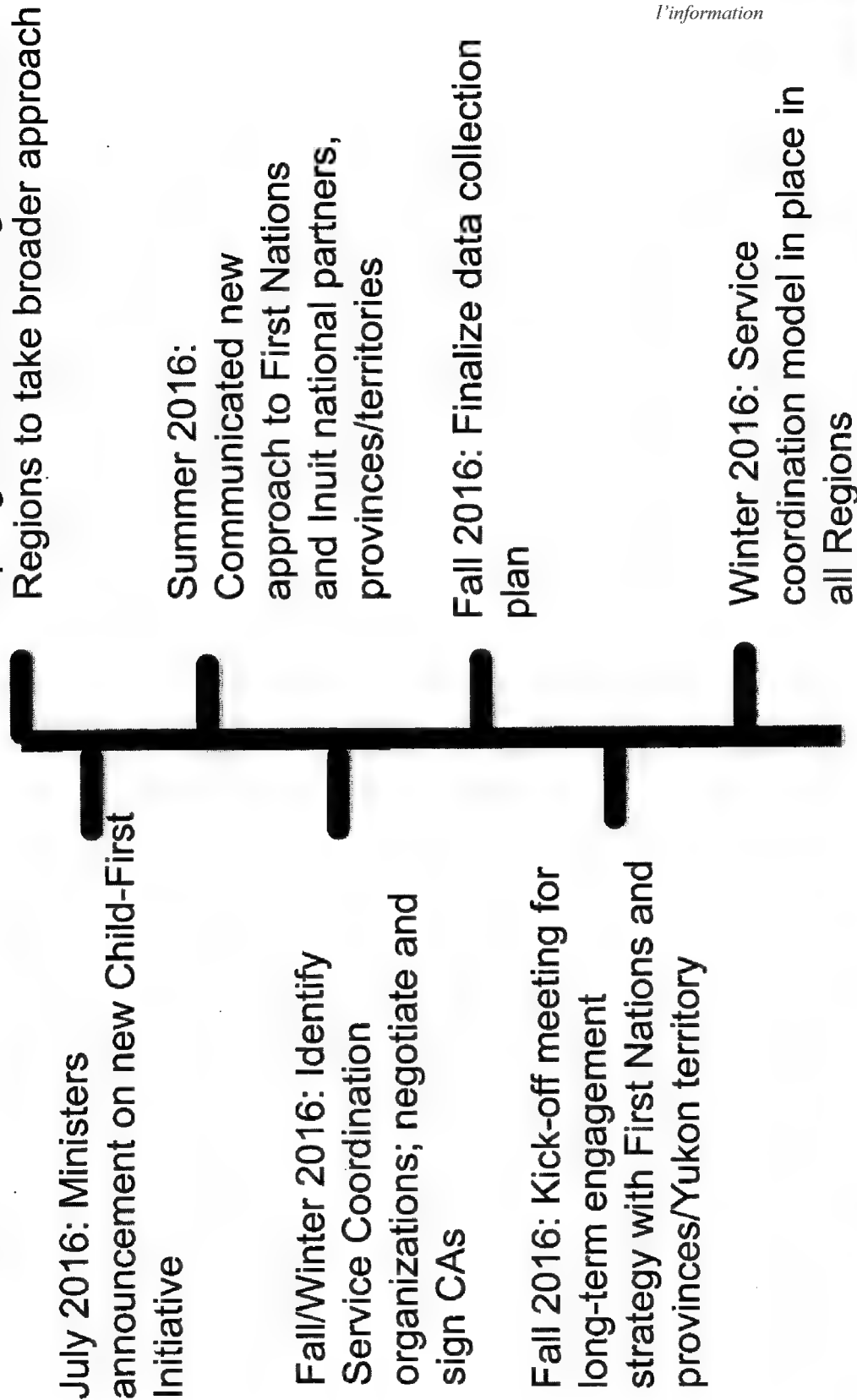
HC and INAC are committed to meaningful engagement with First Nations and provincial/Yukon territorial partners using existing processes.

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- Regional discussions re establishing Service Coordination

Longer-term engagement will be co-led with the AFN and regional First Nations partners to inform longer-term solutions.

Activity Timeline



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JP-CFI

Questions?

Thank you!

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to Information Act*

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Loi sur l'accès à
l'information*

Agenda – Regional Middle Mangers Meeting

Date: October 11, 2016

Time: 9:00-11:00am

Location: Rm 201, Canada Place

Purpose	1. To confirm the purpose of and processes used by RMMC 2. To create a sense of team among the membership
Meeting Facilitators	Brent Henry & Emily Vespi (Co-Chairs)
Meeting Scribe	TBD – provided by PSU
Pre work	Please bring 3-5 ideas of ground rules you would like to set for RMMC meetings. How should people behave? What are the expectations?



#	Time	Who	Topic	Process	Payoff
1	9:00-9:05	Co-Chairs	Welcome	Round table introductions	Participants are introduced to each other
2	9:05-9:35	[REDACTED]	Purpose of RMMC	Presentation	There is a common understanding of the purpose and role of RMMC
3	9:35-10:15	[REDACTED]	Creating a team norms and ground rules	Use the silent sort method to identify key rules from the ones provided by participants	Participants build relationships while practicing collective problem solving. Ground rules are established.
5	10:15-10:30	Health Break			
6	10:30-10:55	[REDACTED] & [REDACTED]	Child First Initiative	Presentation	Participants are aware of the implications of the new Child First Initiative.
6	10:55-11:00	Co-Chairs	Post meeting evaluation	Dotmocracy on successes and improvements	Participants and co-chairs understand how the meeting process can be improved.



HCoM.CA

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**HCoM Committee In-Camera Agenda
Rivercree Resort, Edmonton, Alberta
October 13, 2016**

Item	Items	Results	Participants	Time	Prerequisites
In-Camera Discussion	<ul style="list-style-type: none">• Victims of Violence Funding• HCoM Hosting Options• Jordan's Principle – Child First Initiative• Joint Action Health Plan	Discussion	Lead: Co-Chairs In-Camera: HCoM Committee Members Only	3:30 pm	TBA

DRAFT

**HCoM Committee Meeting Agenda
Rivercree Resort, Edmonton, Alberta
October 13, 2016**

Overall Purpose:

A regular HCoM Committee meeting to advance the Alberta First Nation's health agenda.

Overall Outcomes:

To advance the work of the committee and subcommittees and to ensure necessary follow-up as required.

<i>Item</i>	<i>Activity/ Items</i>	<i>Results</i>	<i>Lead</i>	<i>Time</i>	<i>Prerequisites</i>
Opening Comments			[REDACTED]	5:30 pm	
Dinner			HCoM Committee	5:35 pm	
HCoM 2015-2016 Annual Review	Review of HCoM 2015-2016 Annual Review	Decision	[REDACTED]	6:15 pm	HCoM 2015-2016 Annual Review
HCoM Evaluation & Implementation Task Force	HCoM Evaluation & Implementation Task Force Update	Discussion	[REDACTED]	7:00 pm	HCoM Task Force Update
Adjournment				8:00 pm	

CANADIAN HUMAN RIGHTS TRIBUNAL**BETWEEN:**

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and
ASSEMBLY OF FIRST NATIONS**

Complainants**-and-****CANADIAN HUMAN RIGHTS COMMISSION****Commission****-and-**

**ATTORNEY GENERAL OF CANADA
(representing the Minister of Indigenous and Northern Affairs Canada)**

Respondent**-and-**

**CHIEFS OF ONTARIO and
NISHNAWBE ASKI NATION**

Interested Parties

**NOTICE OF MOTION FOR IMMEDIATE RELIEF OF THE INTERESTED PARTY
NISHNAWBE ASKI NATION ("NAN")**

FALCONERS LLP
Barristers-at-Law
10 Alcorn Avenue, Suite 204
Toronto, Ontario M4V 3A9

Tel.: (416) 964-0495
Fax: (416) 929-8179

Julian N. Falconer (L.S.U.C. No. 29465R)
Akosua M. Matthews (L.S.U.C. No. 65621V)

**Lawyers for the Interested Party,
Nishnawbe Aski Nation (NAN)**

TO: **CANADIAN HUMAN RIGHTS TRIBUNAL**
Attn: Dragisa Adzic, Registry Officer
160 Elgin Street, 11th Floor
Ottawa, ON K1A 1J4

AND TO: **Jonathan Tarlton, Melissa Chan**
Atlantic Regional Office
JUSTICE CANADA
Duke Tower, 5251 Duke Street, Suite 1400
Halifax, NS B3J 1P3
Phone: (902) 426-5959
Fax: (902) 426-8796

Counsel for the Respondent, the Attorney General of Canada

AND TO: **Anne Levesque, David P. Taylor, Sébastien Grammond & Sarah Clarke**
JURISTES POWER | POWER LAW
130 Albert Street, Suite 1103
Ottawa, ON K1P 5G4
Phone: (613) 702-5568
Fax: 1 (888) 404-2227

Counsel for the Complainant,
First Nations Child and Family Caring Society of Canada

AND TO: **David C. Nahwegahbow**
NAHWEGAHBOW, CORBIERE
Genoodmagejig/Barristers & Solicitors
5884 Rama Road, Suite 109
Rama, ON L3V 6H6

Stuart Wuttke
ASSEMBLY OF FIRST NATIONS
55 Metcalfe Street, Suite 1600
Ottawa, ON K1P 6L5
Phone: (613) 241-6789
Fax: (613) 241-5808

Co-Counsel for the Complainant, Assembly of First Nations

AND TO: **Daniel Poulin & Samar Musallam**
Litigation Services Division
Canadian Human Rights Commission
344 Slater Street, 9th Floor
Ottawa, ON K1A 1E1

Phone: (613) 947-6399
Fax: (613) 943-3089

Counsel for the Canadian Human Rights Commission

AND TO: **Maggie Wente**
Olthuis, Kleer, Townshend LLP
250 University Avenue, 8th floor
Toronto, ON M5H 3E5
Tel: (416) 981-9330
Fax: (416) 981-9350

Counsel for the Interested Party, the Chiefs of Ontario

INDEX

TAB

Tab 1

DOCUMENT

Notice of Motion

Docket: T1340/7008

CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and
ASSEMBLY OF FIRST NATIONS**

Complainants

-and-

**ATTORNEY GENERAL OF CANADA
(representing the Minister of Indigenous and Northern Affairs Canada)**

Respondent

-and-

**CHIEFS OF ONTARIO and
NISHNAWBE ASKI NATION**

Interested Parties

**NOTICE OF MOTION
(Motion for Immediate Relief)**

TAKE NOTICE that the Interested Party, Nishnawbe Aski Nation ("NAN"), will make a motion to the Canadian Human Rights Tribunal at 160 Elgin Street, 11th floor, Ottawa, Ontario, on Wednesday March 22, 2016 at 9:30 a.m. or as soon thereafter as it may be heard.

The motion is made under Rule 3 of the *Canadian Human Rights Tribunal Rules of Procedure*, and is for orders under Rules 1(6), 3(1), and 3(2)(d) and pursuant to the Canadian Human Rights Tribunal's continuing jurisdiction in this matter. The proposed motion will be heard orally.

THE MOTION IS FOR immediate relief for Indigenous children in need in remote northern communities, as follows:

Remoteness Quotient

1. The Tribunal's September 14, 2016 decision¹ on immediate relief ("September Decision on Immediate Relief") ruled in support of NAN's position that a "remoteness quotient needs to be developed as part of medium to long term relief and that data needs to be appropriately collected."² While NAN acknowledges the Tribunal's direction that the development of a remoteness quotient is medium to long-term relief, it is essential that the initial steps, such as the appointment of experts and the gathering of data be done in the immediate term. Further, the remoteness data in the *Barnes Report* can be applied as an interim remoteness quotient.
2. The Tribunal's September Decision on Immediate Relief ordered "INAC to provide detailed information in its compliance reports to clearly demonstrate how it is determining funding for remote FNCFS Agencies that allows [remote agencies] to meet the actual needs of the communities they serve".³ In the same decision, the Tribunal re-stated the Respondent's agreement to "engage on undertaking and providing support for research"

¹ 2016 CHRT 16

² Para 80, 2016 CHRT 16

³ Para 81, 2016 CHRT 16

on a remoteness quotient.⁴ Additionally, the Tribunal directed that a remoteness quotient would be discussed at the November case management conference.

3. In the Respondent's October 31, 2016 compliance report, INAC conceded that they do not account for remoteness in funding the needs of Indigenous children in remote northern communities in Ontario. INAC further conceded that they do not have or currently collect sufficient data/information to create a remoteness quotient.⁵
4. The Respondent has not committed to funding jointly-appointed experts to obtain remoteness data and to develop a remoteness quotient.
5. The November Case Management Conference did not result in any immediate relief for northern and remote communities.
6. Without robust remoteness data, funding to remote and northern agencies will continue to be fundamentally inadequate in addressing the real costs of service delivery in the north.
7. In upholding the Tribunal's September Decision on Immediate Relief and in recognition of the fact that northern communities will continue to receive resources that do not meet actual needs, NAN seeks an order for the following immediate relief:
 - a. that the Respondent apply the remoteness quotients identified in the *Barnes Report*, to all funding for Payukotayno James and Hudson Bay Family Services, Tikinagan Child and Family Services and Kunowanimano Child and Family Services ("NAN-mandated child welfare agencies"); and,
 - b. that the Respondent fund jointly-appointed experts to: (1) obtain remoteness

⁴ Para 80, 2016 CHRT 16

⁵ Page 9, Section G, INAC October 31, 2016 Compliance Report

data; and (2) develop a remoteness quotient.

8. NAN's written immediate relief submissions, summarized in our November 2016 Case Management Submissions, outlined the Tribunal's broad remedial powers under the *Canadian Human Rights Act*.⁶ In particular, the Tribunal has the jurisdiction to order a "special program, plan or arrangement" and to order the collection of information in support of a special program, plan or arrangement. The Tribunal has the jurisdiction to issue the requested orders under subsections 16(1), 16(3) and 53(2) of the *Canadian Human Rights Act*.

Agency Debt Relief

9. In the Tribunal's January 26, 2016⁷ ruling ("the January Liability Decision"), the Tribunal found that "In the provision of child and family services, the Panel finds the situation in Ontario falls short of the objective of the *1965 Agreement* "...to make available to the Indians in the Province the full range of provincial welfare programs""⁸.
10. In the Tribunal's September Decision on Immediate Relief, the Tribunal agreed with NAN "that while a robust, empirically-based remoteness quotient is being developed, adjustments reflecting northern remoteness realities can be undertaken in the immediate term."⁹
11. NAN proposed that alleviating the funding shortfalls of NAN-mandated child welfare agencies would be an effective immediate relief adjustment.

⁶ See NAN's November 2016 Case Management Submissions

⁷ 2016 CHRT 2

⁸ Para 246, 2016 CHRT 2

⁹ Para 81, 2016 CHRT 16

12. The Tribunal directed that this topic would be discussed at the November case management conference.
13. INAC has not specifically addressed NAN's proposal regarding funding the debts and deficits of NAN-mandated child welfare agencies.
14. The November Case Management Conference did not result in any immediate relief for northern and remote communities.
15. In upholding the Tribunal's January Liability Decision and the September Decision on Immediate Relief, and in recognition of the fact that northern and remote Agencies remain chronically underfunded, NAN seeks an order for the following immediate relief:
 - a. **that the Respondent fund the current debts and deficits of all NAN-mandated child welfare agencies.**
16. NAN's written immediate relief submissions, summarized in our November 2016 Case Management Submissions, outlined the Tribunal's broad remedial powers under the *Canadian Human Rights Act*.¹⁰ The Tribunal has the jurisdiction to issue the requested orders under subsections 16(1), 16(3) and 53(2) of the *Canadian Human Rights Act*.

Capital Infrastructure

17. In the Tribunal's September Decision on Immediate Relief, the Tribunal ruled that "until the broader issue of infrastructure needs under the *1965 Agreement* can be fully reviewed, INAC should develop an interim strategy to deal with the infrastructure needs of FNCFS

¹⁰ See NAN's November 2016 Case Management Submissions

Agencies.”¹¹ The Tribunal further directed that this topic would be discussed at the November case management conference.

18. In the Respondent’s October 31, 2016, compliance report, the Respondent did not commit to an immediate first step in assessing capital infrastructure needs, aside from waiting for a response from Agencies to an October 28, 2016 letter of engagement by a June 30, 2017 deadline.¹²
19. The Respondent’s October 28, 2016 letter of engagement to collect Agency-specific information, is not a replacement for a comprehensive assessment of capital infrastructure needs. Additionally, a June 30, 2017 timeframe is not *immediate* relief.
20. The November Case Management Conference did not result in any immediate relief for northern and remote communities.
21. In upholding the Tribunal’s September Decision on Immediate Relief for an interim strategy to deal with infrastructure needs, NAN seeks an order for the following immediate relief:
 - a. **that the Respondent fund a Capital Needs Assessment Study for all NAN-mandated child welfare agencies.**
22. NAN’s written immediate relief submissions, summarized in our November 2016 Case Management Submissions, outlined the Tribunal’s broad remedial powers under the *Canadian Human Rights Act*.¹³ The Tribunal has the jurisdiction to issue the requested

¹¹ Para 97, 2016 CHRT 16

¹² Page 30, Section C, INAC October 31, 2016 Compliance Report

¹³ See NAN’s November 2016 Case Management Submissions

order under subsections 16(1), 16(3) and 53(2) of the *Canadian Human Rights Act*.

23. Such further and other relief as this Tribunal may deem appropriate.

AND FURTHER TAKE NOTICE that the following documents will be referred to in support of such motion:

24. The Factum of the Interested Party, Nishnawbe Aski Nation;
25. An Affidavit of NAN Deputy Grand Chief Anna Betty Achneepineskum, to be sworn on or before December 20, 2016;
26. An Affidavit of Bobby Narcisse, NAN Director of Social Services, to be sworn on or before December 20, 2016;
27. An Affidavit by the Executive Directors (or their representatives) of the NAN-mandated child welfare agencies, to be sworn on or before December 20, 2016;
28. The Respondent's Compliance reports dated September 30, 2016 and October 31, 2016; and,
29. Such further and other material as Counsel may advise and may be permitted.

AND FURTHER TAKE NOTICE that the said motion shall be made on the following grounds:

30. The Tribunal's January Liability Decision found that "In the provision of child and family services, the Panel finds the situation in Ontario falls short of the objective of the *1965 Agreement* '...to make available to the Indians in the Province the full range of provincial welfare programs'";
31. The Tribunal reiterated this finding in its September Decision on Immediate Relief;

32. The Tribunal ordered that remedies would be addressed in three stages: immediate, medium and long-term. This motion only addresses immediate relief;
33. The Parties have filed fulsome immediate relief submissions;
34. Specific immediate relief for remote and northern communities has not been implemented;
35. The Tribunal has sought further information from the Respondent to the Tribunal's September Decision on Immediate Relief;
36. The Respondent filed two compliance reports, the first on September 30, 2016 and the second on October 31, 2016;
37. The Respondent's compliance reports did not produce specific immediate relief for northern and remote communities;
38. The Respondent's October 28, 2016 letter of engagement to collect Agency-specific information is not a substitute for appointing experts to develop a remoteness quotient or capital needs assessment studies;
39. The November case management conference did not produce specific immediate relief for northern and remote communities;
40. The Tribunal has the jurisdiction to issue the requested orders under subsections 16(1), 16(3) and 53(2) of the *Canadian Human Rights Act*;
41. Rules 1(6), 3(1), and 3(2)(d) of the *Canadian Human Rights Tribunal Rules of Procedure*; and,

42. Such further and other grounds as counsel may advise and may be permitted.

Dated: November 22, 2016

FALCONERS LLP
Barristers-at-Law
10 Alcorn Avenue, Suite 204
Toronto, Ontario M4V 3A9

Tel.: (416) 964-0495
Fax: (416) 929-8179

Julian N. Falconer (L.S.U.C. No. 29465R)
Akosua Matthews (L.S.U.C. No. 65621V)

Counsel for the Interested Party
Nishnawbe Aski Nation ("NAN")

**FIRST NATIONS CHILD AND FAMILY
CARING SOCIETY OF CANADA et al.**

-and-

ATTORNEY GENERAL OF CANADA

RESPONDENT

COMPLAINANTS

Docket: T1340/7008

CANADIAN HUMAN RIGHTS TRIBUNAL

NOTICE OF MOTION

FALCONERS LLP
10 Alcorn Avenue
Suite 204
Toronto, Ontario M4V 3A9

Julian N. Falconer (LSUC # 29465R)
Asha James (LSUC # 56817K)
Akosua Matthews (LSUC # 65621V)

Tel: (416) 964-0495
Fax: (416) 929-8179

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l'information*

Michel Bastarache, C.C., Q.C. (of counsel)

November 22, 2016

BY EMAIL (Dragisa.Adzic@tribunal.gc.ca)

Dragisa Adzic
Registry Operations
Canadian Human Rights Tribunal
11th Floor, 160 Elgin Street
Ottawa, ON K1A 1J4

Dear Mr. Adzic:

Re: FNCFCSC et al. v. Attorney General of Canada (Tribunal File T1340/7008)

We write further to your letter of November 14, 2016. Further to the agreement reached by the parties at the November 8, 2016 Case Management Meeting, please find attached the Caring Society's Notice of Motion regarding immediate relief in the above-noted matter.

Yours truly,

JURISTES POWER | POWER LAW



David P. Taylor
Barrister & Solicitor

Tel. and Fax: 613-702-5563
(e): dtaylor@powerlaw.ca

cc Jonathan Tarlton, Ainslie Harvey, Melissa Chan, Terry McCormick, and Patricia MacPhee **Counsel for the respondent Attorney General of Canada**

Daniel Poulin and Samar Musallam
Counsel for the Canadian Human Rights Commission

David Nahwegahbow and Stuart Wuttke
Counsel for the complainant Assembly of First Nations

Maggie Wente and Judith Rae, **Counsel for the interested party Chiefs of Ontario**

Justin Safayeni, **Counsel for the interested party Amnesty International**

Julian N. Falconer and Akosua Matthews
Counsel for the proposed interested party Nishnawbe Aski Nation

CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and
ASSEMBLY OF FIRST NATIONS**

Complainants

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

**ATTORNEY GENERAL OF CANADA
(representing the Minister of Indigenous and Northern Affairs Canada)**

Respondent

- and -

**CHIEFS OF ONTARIO,
AMNESTY INTERNATIONAL CANADA and
NISHNAWBE ASKI NATION**

Interested Parties

**NOTICE OF MOTION OF THE COMPLAINANT
FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA**

David P. Taylor
Anne Levesque

Sébastien Grammond, Ad.E. *University of Ottawa*
Sarah Clarke *Clarke Child & Family Law*

JURISTES POWER | POWER LAW
Suite 1103 – 130 Albert Street
Ottawa, ON K1P 5G4

Counsel for the First Nations Child and Family Caring Society of Canada

NOTICE OF MOTION

TAKE NOTICE THAT THE COMPLAINANT, THE FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA (the "Caring Society") will make a motion to the Canadian Human Rights Tribunal located at 160 Elgin Street, 11th floor, Ottawa, Ontario, on Wednesday March 22, 2016 at 9:30 a.m. or as soon thereafter as it may be heard.

The motion is part of a series of motions being brought by the Complainants and Interested Parties in this matter and is made under Rule 3 of the *Canadian Human Rights Tribunal Rules of Procedure*, and is for orders under Rules 1(6), 3(1), and 3(2)(d) and pursuant to the Canadian Human Rights Tribunal's continuing jurisdiction in this matter. The proposed motion will be heard orally.

AND TAKE NOTICE THAT THIS MOTION IS FOR:

Declarations of non-compliance

1. A declaration that the Respondent has failed to comply with the Tribunal's Orders in 2016 CHRT 2, 2016 CHRT 10, and CHRT 16 by:
 - a. continuing to decrease or further restrict the funding of First Nations Child and Family Services Agencies ("FNCFS Agencies") (2016 CHRT 16, para 122);
 - b. Failing to immediately remedy the adverse effects of its failure to appropriately fund the legal costs of FNCFS Agencies (2016 CHRT 2, para. 389, CHRT 16, para. 36); and
 - c. Continuing to scale the core funding of FNCFS Agencies based on population (2016 CHRT 16 at para 40).

Immediate relief

2. An Order that, until such time as the Respondent and the Complainants have agreed upon and implemented the appropriate measures necessary to end the discriminatory practice in question or until further order of the Tribunal, the Respondent:
 - a. Immediately cease decreasing or further restricting its funding to FNCFS Agencies;
 - b. Immediately and retroactively remedy any funding decreases imposed since January 26, 2016;

- c. Immediately replace the population thresholds for core FNCFS Agency funding with the recommended funding increments per every 25 children on reserve as recommended in *Wen:de*, adjusted for inflation, retroactive to January 26, 2016;
- d. Immediately fund all building repair costs of FNCFS Agencies at actual cost, retroactive to January 26, 2016, where required by applicable fire, safety and building codes and regulations, or where there is other evidence of non-compliance with applicable fire, safety and building codes and regulations;
- e. Immediately fund the actual cost of FNCFS Agencies related to the receipt, assessment and investigation of child protection reports retroactive to January 26, 2016; and
- f. Immediately fund the child service purchase amount at \$200 with an adjustment to the consumer price index for fiscal years 2016-2017 and each fiscal year going forward, retroactive to January 26, 2016.

Orders to Disseminate Information

3. An Order that the Respondent:

- a. Advise all FNCFS Agencies by phone, email and mail and publicly post a notice on the INAC website, with 30 days of the order, that it will not require FNCFS Agencies to recover cost overruns related to maintenance from the prevention and/or operation funding streams and will restore any losses sustained by agencies, retroactive to January 26, 2016, within 30 days of the order; and
- b. Advise all FNCFS Agencies by phone, email and mail and publicly post a notice on the INAC website, within 30 days of the order, that it will immediately fund all necessary and immediately required building repair costs, retroactive to January 26, 2016, where required by applicable fire, safety and building codes and regulations, or where there is other evidence of non-compliance with applicable fire, safety and building codes and regulations.

Preventing further discrimination

4. An Order requiring the Respondent to provide, within 30 days of the Order, a reliable data collection, analysis and reporting methodology, as well as ethical research guidelines

respecting Indigenous peoples that include protection of Indigenous intellectual property that will be applied to said research, for approval by the Tribunal upon further submissions by the parties, to guide the data collection process launched following its October 28, 2016 email to FNCFS Agencies; and

5. An Order requiring the Respondent to provide FNCFS Agencies with funding a minimum amount of \$25,000 for small agencies, which amount shall be scaled proportionately upward for large agencies and multi-site agencies where required for an FNCFS Agency to prepare for costing exercises.

Reporting compliance

6. An Order requiring the Respondent to serve and file affidavit material detailing its compliance with this Order within 30 days of the Order.

AND TAKE NOTICE THAT THE GROUNDS FOR THE MOTION ARE:

- (a) In a decision dated January 26, 2016 ("*Decision re: discrimination*"), this Tribunal found that the Respondent's FNCFS Program, and its related funding models and federal-provincial agreements, is discriminatory contrary to section 5 of the *Canadian Human Rights Act* ("CHRA"). The Tribunal also found that the Respondent's failure to properly implement Jordan's Principle was discriminatory on the basis of race and national ethnic origin contrary to the CHRA;
- (b) In the *Decision re: discrimination*, this Tribunal ordered Canada to immediately cease its discriminatory practices in First Nations child and family services and to immediately fully and properly implement Jordan's Principle;
- (c) This Tribunal ordered that remedies would be addressed in three stages: immediate, medium and long-term. This motion only addresses immediate relief;
- (d) Upon review of the parties submissions in response to the Tribunal's February 10, 2016 questions regarding immediate relief, the Tribunal issued its April 26, 2016 Remedial Order ("the April Remedial Order"). The Tribunal reiterated and emphasized certain findings and

adverse impacts identified the *Decision re: discrimination* and ordered INAC to take measures to address those findings and adverse impacts immediately. The Tribunal directed the Respondent to provide a compliance report by May 10, 2016 regarding the implementation of its Order regarding Jordan's Principle, and a second compliance report by May 24, 2016 indicating how the Tribunal's findings were being addressed in the short-term in order to provide immediate relief for First Nations children;

(e) Upon review of the Respondent's May 10, 2016 and May 24, 2016 compliance reports and further submissions from the parties, this Tribunal released its September 14, 2016 Order (the "September Remedial Order"). Expressing concern that "INAC's submissions much of the same type of statements and reasoning that it has seen from the organization in the past", the Tribunal ordered, amongst other things:

- a. INAC will not decrease or further restrict funding for First Nations child and family services or children's services covered by Jordan's Principle;
- b. in determining funding for FNCFS Agencies, INAC is to cease the practice of formulaically reducing funding for agencies that serve fewer than 251 eligible children. Rather, funding must be determined on an assessment of the actual service level needs of each FNCFS Agency, regardless of population level; and
- c. INAC is to immediately apply Jordan's Principle to all First Nations children on and off reserve.

(f) The Tribunal also ordered the Respondent to "clearly demonstrate" how it had addressed the funding flaws relating to other issues including:

- a. legal fees of FNCFS Agencies;
- b. building repairs where a FNCFS Agency has received a notice to the effect that repairs must be done to comply with applicable fire, safety and building codes and regulations, or where there is other evidence of non-compliance with applicable fire, safety and building codes and regulations;
- c. the child service purchase amount; and
- d. and the receipt, assessment and investigation of child protection reports.

- (g) The Respondent has continued to decrease the funding of certain FNCFS Agencies;
- (h) The Respondent has continued to subject FNCFS Agencies to core funding scaling based on arbitrary population thresholds;
- (i) The Respondent has failed to apply and implement Jordan's Principle in a manner that applies to all First Nations children on and off reserve, including children with and without disabilities and short term critical illnesses;
- (j) The Respondent has failed to clearly demonstrate that it has addressed the funding flaws in its FNCFS Program relating to:
 - a. legal fees of FNCFS Agencies;
 - b. building repairs of FNCFS Agencies where a FNCFS Agency has received a notice to the effect that repairs must be done to comply with applicable fire, safety and building codes and regulations, or where there is other evidence of non-compliance with applicable fire, safety and building codes and regulations;
 - c. the child service purchase amount; and
 - d. the receipt, assessment and investigation of child protection reports.
- (k) The Respondent has failed to appropriately advise all FNCFS Agencies that it has ceased its practice of recovering cost overruns relating to maintenance from their prevention and/or operations funding streams;
- (l) The Respondent has failed to appropriately inform all FNCFS Agencies of whether it will fund building repair costs and how this determination will be made;
- (m) On October 28, 2016, Margaret Buist, acting on behalf of the Respondent, communicated with FNCFS Agencies offering them \$25,000 to provide information relating to their "distinct needs and circumstances" ("the Respondent's October 28, 2016 data collection initiative"). None of the Complainants or the Interested Parties were consulted regarding this communication, or advised of the communication prior to it being sent;

- (n) The Respondent has no known expertise in social science research or First Nations child welfare. The Respondent's October 28, 2016 data collection initiative does not have a reliable data collection, analysis and reporting methodology, and is not subject to ethical research guidelines respecting Indigenous peoples that include protection of Indigenous intellectual property;
- (o) Given the Respondent's lack of expertise in social science research or First Nations child welfare, and given the lack of a reliable data collection, analysis and reporting methodology, the Respondent's October 28, 2016 data collection initiative, will generate flawed, incomplete and inconsistent data regarding the distinct needs and circumstances of FNCFS Agencies;
- (p) Section 53(2) of the *Canadian Human Rights Act*, R.S.C., 1985, c. H-6;
- (q) Rules 1(6), 3(1), and Rule 3(2) of this Tribunal's Rules of Procedure; and
- (r) Such further and other grounds as counsel may advise.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

- (a) The affidavit of Dr. Cindy Blackstock to be affirmed;
- (b) The affidavit of Dr. John Loxley to be affirmed;
- (c) The affidavit of Dr. Marie Wilson to be affirmed;
- (d) The Respondent's Compliance reports dated May 10, 2016, May 24, 2016, September 30, 2016, and October 31, 2016; and
- (e) Such further and other materials as counsel may advise and this Tribunal may permit.

Dated: November 22, 2016



Sébastien Grammond / Sarah Clarke
David P. Taylor / Anne Levesque

Counsel for the Caring Society

ORIGINAL TO: **Canadian Human Rights Tribunal**
c/o Dragiša Adžić, Registry Officer
160 Elgin Street, 11th Floor
Ottawa, ON K1A 1J4

COPY TO: **Johnathan D. Tarlton and Melissa Chan**
Department of Justice Canada
Suite 1400, Duke Tower
5251 Duke Street
Halifax, NS B3J 1P3

Counsel for the Respondent Attorney General of Canada

AND TO:

Jonathan Tarlton & Melissa Chan
Department of Justice Canada
5251 Duke Street, Suite 1400
Halifax, NS B3J 1P3

Daniel Poulin and Samar Musallam
Canadian Human Rights Commission
344 Slater Street, 8th Floor
Ottawa, ON K1A 1E1

**Counsel for the Respondent
Attorney General of Canada**

**Counsel for the Canadian Human Rights
Commission**

David C. Nahwegahbow and Stuart Wuttke
Nahwegahbow Corbiere
5884 Rama Road, Suite 109
Rama, ON L3V 6H6

Maggie E. Wenté and Judith Rae
Olthuis Kleer Townshend LLP
250 University Avenue, 8th Floor
Toronto, ON M5H 3E5

**Counsel for the Complainant
Assembly of First Nations**

**Counsel for the Interested Party
Chiefs of Ontario**

Justin Safayeni
Stockwoods LLP
TD North Tower
77 King Street West, Suite 4130
Toronto, ON M5K 1H1

Julian N. Falconer and Akosua Matthews
Falconers LLP
10 Alcorn Avenue, Suite 204
Toronto, ON M4V 3A9

**Counsel for the Interested Party
Amnesty International**

**Counsel for the Interested Party
Nishnawbe Aski Nation**

CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and
ASSEMBLY OF FIRST NATIONS**

Complainants

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

ATTORNEY GENERAL OF CANADA
(representing the Minister of Indigenous and Northern Affairs Canada)

Respondent

- and -

**CHIEFS OF ONTARIO and
AMNESTY INTERNATIONAL CANADA AND NISHNAWBE ASKI NATION**

Interested Parties

NOTICE OF MOTION OF THE INTERESTED PARTY CHIEFS OF ONTARIO

Maggie Wente and Judith Rae

Olthuis Kleer Townshend LLP

250 University Avenue 8th Floor

Toronto, ON

M5H 3E5

416-981-9330

416-981-9350

mwente@oktlaw.com

jrae@oktlaw.com

Counsel for the Interested Party Chiefs of Ontario

The Interested Party Chiefs of Ontario will be make a motion to the Canadian Human Rights Tribunal at 160 Elgin Street, 11th floor, Ottawa, Ontario, on Wednesday March 22, 2016 at 9:30 a.m. or as soon thereafter as it may be heard.

The motion is made under Rule 3 of the *Canadian Human Rights Tribunal Rules of Procedure*, and is for orders under Rules 1(6), 3(1), and 3(2)(d) and pursuant to the Canadian Human Rights Tribunal's continuing jurisdiction in this matter.

The proposed motion will be heard in writing.

THE MOTION IS FOR:

1. An order that the Respondent INAC has failed to comply with the Tribunal's order at 2016 CHRT 2, in that the Respondent has not funded mental health services under the *Child and Family Services Act* R.S.O. 1990 c, c-11.
2. An order that the Respondent INAC immediately fund mental health services in Ontario pursuant to the *Child and Family Services Act*, R.S.O. 1990 c. c-11 and any act which amends or replaces that Act.
3. An order that the Respondent has failed to comply with the Tribunal's order at 2016 CHRT 2, in that INAC has refused to fund the Band Representative program.
4. An order that INAC immediately fund Band Representative services for Ontario First Nations, at the level of actual costs incurred by First Nations.
5. An order that INAC be required to fund a study (the "Ontario Special Study") to determine the adequacy of the *1965 Agreement* in achieving comparability of services to First Nations children; culturally appropriate services that account for historical disadvantage, and ensuring the best interests of the child are paramount, to be undertaken in collaboration with the Complainants and Interested Parties.

6. Such further and other relief as counsel may advise and the Tribunal may direct.

THE GROUNDS FOR THIS MOTION are as follows:

7. In its order at 2016 CHRT 2, at paras 246, 458, the Tribunal found that the Respondent INAC was discriminating by not funding the full range of provincial services that are provided for under the *Child and Family Services Act* R.S.O. 1990 c-11. The Tribunal reiterated this finding at 2016 CHRT 10 at para 26 and at 2016 CHRT 16 at para. 67.
8. The Tribunal ordered Canada to cease the discriminatory practice at 2016 CHRT 2 at para. 458.
9. In its order at 2016 CHRT 16, at paras 68 and 74, the Tribunal requested INAC to provide information as to how the Tribunal's findings in its previous orders were being addressed.
10. In its order at 2016 CHRT 2, at paras 348, 392, 425 and 426, the Tribunal found that INAC was discriminating in failing to fund First Nations to provide Band Representative services in Ontario. The Panel reiterated this finding at 2016 CHRT 10 at para. 26, and again at 2016 CHRT 16 at para. 68.
11. The Tribunal ordered Canada to cease the discriminatory practice at 2016 CHRT 2 at para. 458.
12. In its order at 2016 CHRT 16, at para 68, the Tribunal requested INAC to provide information as to how the Tribunal's findings in its previous orders were being addressed.
13. INAC provided the following information in its report to the Tribunal on October 31, 2016:

INAC is working with the province of Ontario and First Nations leadership and other partners to review INAC support for child and

family services through the 1965 Agreement. Related issues with respect to First Nations children's mental health and funding for Band Representatives are being examined as part of this review process and also as part of the longer-term engagement and reform process involving national and regional discussions. A working group has been initiated in Ontario to begin engagement toward mid- and long-term reform.

14. By its own admission, INAC has by its own admission is not funding mental health services akin to those funded under the *Child and Family Services Act* in Ontario in its "immediate relief investments" and has not demonstrated that it has any plans to do so in the immediate future.
15. By its own admission, INAC has not funded the Band Representative program within its current "immediate relief investments" and has not demonstrated that it has any plans to do so in the immediate future.
16. In its decision at 2016 CHRT 2 at paras 223-227 and at 2016 CHRT 16, at para 103, the Tribunal agreed with Chiefs of Ontario that a study specific to Ontario to determine "determining the adequacy of the *1965 Agreement* in achieving comparability of services; culturally appropriate services that account for historical disadvantage; and, ensuring the best interest of the child are paramount" would be of benefit to informing decisions about immediate relief and medium-long term relief. The Tribunal further stated at 2016 CHRT 16 at para 104 that it would reserve making an order with respect to the Ontario Special Study pending a specific response from INAC on the issue, and ordered INAC to make a detailed response.
17. INAC's report to the Tribunal on October 31, 2016 (at page 30) agreed that a determination of adequacy of the *1965 Agreement* was required. However, INAC did not state that this would come in the form of an Ontario-specific study, nor did INAC commit to funding the Ontario special study.
18. Chiefs of Ontario therefore asks the Tribunal to order INAC to fund an Ontario Special Study, to be undertaken in collaboration with the Complainants and Interested Parties.

19. Section 53(2) of the *Canadian Human Rights Act*, R.S.C., 1985, c. H-6
20. Rules 1(6), 3(1), and Rule 3(2) of this Tribunal's Rules of Procedure.
21. Such further and other grounds as counsel may advise and this Tribunal may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

22. The affidavit of Deputy Grand Chief Denise Stonefish.
23. The Respondent's report to the Tribunal dated October 31, 2016.
24. Such further and other materials as counsel may advise and the Tribunal may permit.

DATE: November 22, 2016

Maggie E. Wente and Judith Rae
Olthuis Kleer Townshend LLP
Counsel for Chiefs of Ontario

TO:

CANADIAN HUMAN RIGHTS TRIBUNAL
Attn: Dragisa Adzic, Registry Officer
160 Elgin Street, 11th Floor
Ottawa, ON K1A 1J4

Jonathan Tarlton, Melissa Chan
Atlantic Regional Office
JUSTICE CANADA
Duke Tower, 5251 Duke Street, Suite 1400
Halifax, NS B3J 1P3
Phone: (902) 426-5959
Fax: (902) 426-8796
Counsel for the Respondent, the Attorney General of Canada

Anne Levesque, David P. Taylor, Sébastien Grammond & Sarah Clarke
JURISTES POWER | POWER LAW
130 Albert Street, Suite 1103

Ottawa, ON K1P 5G4
Phone: (613) 702-5568
Fax: 1 (888) 404-2227
Counsel for the Complainant,
First Nations Child and Family Caring Society of Canada

David C. Nahwegahbow
NAHWEGAHBOW, CORBIERE
Genoodmagejig/Barristers & Solicitors
5884 Rama Road, Suite 109
Rama, ON L3V 6H6

-and-

Stuart Wuttke
ASSEMBLY OF FIRST NATIONS
55 Metcalfe Street, Suite 1600
Ottawa, ON K1P 6L5
Phone: (613) 241-6789
Fax: (613) 241-5808
Co-Counsel for the Complainant, Assembly of First Nations

Daniel Poulin & Samar Musallam
Litigation Services Division
Canadian Human Rights Commission
344 Slater Street, 9th Floor
Ottawa, ON K1A 1E1
Phone: (613) 947-6399
Fax: (613) 943-3089
Counsel for the Canadian Human Rights Commission

Julian Falconer and Akosua May Matthews
10 Alcorn Avenue, Suite 204
Toronto, ON M4V 3A9
T: 416-964-0495 ext. 250 | F: 416-929-8179
Counsel for the Interested Party, Nishnawbe Aski Nation

Assembly of First Nations

55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
www.afn.ca



Assemblée des Premières Nations

55, rue Metcalfe, Suite 1600
Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
www.afn.ca

November 22, 2016

Via email: dragisa.adzic@tribunal.gc.ca

Dragiša Adzic
Registry Officer
Canadian Human Rights Tribunal
160 Elgin Street, 11th Floor
Ottawa, ON K1A 1J4

Dear Mr. Adzic:

Re: First Nations Child and Family Caring Society et al. v. Attorney General of Canada
Tribunal File: T1340/7008

Please find enclosed and served upon all parties a Notice of Motion of the co-complainant, the Assembly of First Nations, regarding the above matter.

The motion is returnable for hearing before the Canadian Human Rights Tribunal on March 22, 23 and 24, 2017.

On or before December 20, 2016, the AFN will distribute and file its affidavit materials. Please forward any question or concerns to the undersigned. Thank you.

Sincerely,

Stuart Wuttke
General Counsel

Encl: Notice of Motion

Cc: Jonathan Tarlton, Melissa Chan & Patricia MacPhee
Terry McCormick & Ainslie Harvey
Counsel for the Respondent, the Attorney General of Canada

Anne Levesque, Sébastien Grammond, David P. Taylor, and Sarah Clarke
*Counsel for the Co-Complainant, First Nations Child and Family Caring Society of
Canada*

Daniel Poulin & Samar Musallam
Counsel for the Canadian Human Rights Commission

Maggie Wente
Counsel for the Interested Party, Chiefs of Ontario

Justin Safayeni
Counsel for the Interested Party, Amnesty International

Julian N. Falconer, Akosua Matthews, & Anthony Morgan
Counsel for the Interested Party, Nishnawbe Aski Nation



CANADIAN HUMAN RIGHTS TRIBUNAL

B E T W E E N:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA
and ASSEMBLY OF FIRST NATIONS**

Complainants (Moving Party)

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

**ATTORNEY GENERAL OF CANADA
(representing the Minister of Indigenous and Northern Affairs Canada)**

Respondent (Responding Party)

- and -

**CHIEFS OF ONTARIO, AMNESTY INTERNATIONAL CANADA
and NISHNAWBE ASKI NATION**

Interested Parties

NOTICE OF MOTION

**Of the COMPLAINANT, ASSEMBLY OF FIRST NATIONS
TO ENFORCE RESPONDENT'S FULL COMPLIANCE WITH THE DECISION OF THE CANADIAN
HUMAN RIGHTS TRIBUNAL, 2016 CHRT 2, AND THE PANEL'S REMEDIAL ORDERS**

THE COMPLAINANT, ASSEMBLY OF FIRST NATIONS ("AFN"), will make a motion to the Panel on March 22, 23 and 24, 2017, commencing at 9:30 AM on March 22nd, or soon after that time as the motion can be heard, at the Canadian Human Rights Tribunal, at 160 Elgin Street, 11th Floor, Ottawa, Ontario.

This motion is part of a series of motions being brought by the Complainants and Interested Parties in this matter, including the First Nations Child and Family Caring Society ("Caring Society"), the Chiefs of Ontario ("COO"), and Nishnawbe Aski Nation ("NAN"), and is made in conjunction with those motions, under Rule 3 and 1(6) of the *Canadian Human Rights Tribunal Rules of Procedure*, and pursuant to the Panel's continuing jurisdiction in this matter.

PROPOSED METHOD OF HEARING: The motion is to be heard orally or as otherwise directed by the Panel.

THE MOTION IS FOR:

The AFN supports and adopts the remedies requested by the Caring Society, the COO and NAN, and requests the following additional Declaration and Orders:

1. A Declaration that the Respondent is both technically and substantially in breach of the Panel's Decision, including the Tribunal's Orders in 2016 CHRT 2, 2016 CHRT 10 and CHRT 16, and therefore continues to be guilty of discrimination, by not addressing the immediate measures identified in the said Orders.
2. An Order that the Respondent immediately develop in consultation with the AFN, the Caring Society, COO and NAN, as well as the Commission, a protocol grounded in the honor of the Crown, for engaging in consultations with First Nations and FNCFC agencies that are affected by the Decision and the Remedial Orders herein, and that the Respondent engage in consultations in a manner consistent with the protocol and the honor of the Crown, to address the elimination of discrimination substantiated in the Panel's Decision.
3. An Order that, pending long term reform to its funding models, the Respondent immediately eliminate that aspect of its funding models that creates a perverse incentive resulting in the unnecessary apprehension of First Nation children from their families and/or communities. To this effect, the Respondent be ordered to immediately implement a system for funding the cost of prevention/least disruptive measures, which

operates on the same basis as the Respondent's current funding practices for maintenance costs, that is, by fully reimbursing actual costs for these services, as determined by FNCFC agencies to be in the best interests of the child.

4. An Order that the Respondent comply with the Panel's Remedial Orders regarding immediate relief in a manner which is effective, expeditious and in consultation with the AFN, the Caring Society, COO and NAN, as well as the Commission, and to avoid a phased piecemeal approach to funding and addressing immediate measures, in order to ensure that historic disadvantage and systemic discrimination is not further perpetuated.
5. An Order the Respondent be directed to address long term relief by establishing the National Advisory Committee in the consultation with the Complainants.
6. Such further and other relief as the Panel deems just and fit to allow in the circumstances.

THE GROUNDS OF THE MOTION ARE:

The AFN supports, relies upon and adopts the grounds as stated by the Caring Society, the COO and NAN, and provides the following additional grounds:

The Panel's Remedial Orders

7. The Panel's Remedial Orders are listed throughout 2016 CHRT 2, 2016 CHRT 10, and 2016 CHRT 16.
8. In 2016 CHRT 2, the Panel issued its initial Remedial Orders against the Respondent pursuant to section 53(2) of the *Canadian Human Rights Act* at paragraphs 468-494.
9. Two specific orders were issues against Respondent in 2016 CHRT 2 at paragraph 481:

"The Panel is generally supportive of the requests for immediate relief and the methodologies for reforming the provision of child and family services to First Nations living on reserve, but also recognizes the need for balance espoused by AANDC. AANDC is ordered to cease its discriminatory practices and reform the

FNCFS Program and 1965 Agreement to reflect the findings in this decision. AANDC is also ordered to cease applying its narrow definition of Jordan's Principle and to take measures to immediately implement the full meaning and scope of Jordan's principle." (Panel's emphasis)

10. Later, in 2016 CHRT 10, the Panel updated its Remedial Orders at paragraphs 10-37, which includes the following at paragraph 21:

"The Complainants and Commission requested INAC to immediately remove the most discriminatory aspects of the funding schemes it uses to fund FNCFS Agencies under the FNCFS Program; and, in response, the Panel ordered INAC to cease its discriminatory practices and reform the FNCFS Program to reflect the findings in the *Decision*. While the Panel did request clarification on certain remedial items and understood the Federal government may need some time to review the *Decision* and develop a strategy to address it, that was three months ago and there is still uncertainty amongst the parties and the Panel as to how the Federal government's response to the *Decision* addresses the findings above. The Panel appreciates that some reforms to the FNCFS Program will require a longer-term strategy; however, it is still unclear why or how some of the findings above cannot or have not been addressed within the three months since the *Decision*. Instead of being immediate relief, some of these items may now become mid-term relief."

11. In 2016 CHRT 16, the Panel continued its Remedial Orders at paragraphs 157-161, that included additional immediate measures to be taken, additional reporting, and additional information to be provided by the Respondent, as well as the Panel's continued jurisdiction over the remedies in this matter.

The Panel's concern about the Respondent's Submissions

12. In 2016 CHRT 16, the Panel wrote the following about the Respondent's submissions at paragraph 29:

"However, as stated in the *Decision* at paragraph 482, "[m]ore than just funding, there is a need to refocus the policy of the program to respect human rights principles and sound social work practice." The Panel is concerned to read in INAC's submissions much of the same type of statements and reasoning that it has seen from the organization in the past. For example, that it is up to each FNCFS Agency to determine how they allocate their funding for such things as prevention and cultural programming (see *Decision* at paras. 187-189, 311, 313 and 314). This prompts the same question as at the time of the hearing: what if funding is not

sufficient to allow for that flexibility? How has INAC determined that each agency has sufficient funding to comply with provincial child welfare standards and is still able to deliver necessary prevention and cultural services? The fact that key items, such as determining funding for remote and small agencies, were deferred to later is reflective of INAC's old mindset that spurred this complaint. This may imply that INAC is still informed by information and policies that fall within this old mindset and that led to discrimination. Indeed, the Panel identified the challenges faced by small and/or remote agencies and communities across Canada, numerous times in the *Decision* (see for example paras. 153, 277, 284, 287, 291, 313 and 314). INAC has studied and been aware of these issues for quite some time and, yet, has still not shown it has developed a strategy to address them." (emphasis added)

The Panel's comment about the Remedial Issues

13. In 2016 CHRT 10, the Panel wrote the following at paragraphs 40-42:

"[40] In dealing with the remaining remedial issues in this case, we should continue to aim for peace and respect. More importantly, I urge everyone involved to ponder the true meaning of reconciliation and how we can achieve it. I strongly believe that we have an opportunity, all of us together, to set a positive example for the children across Canada, and even across the world, that we are able to do our part in achieving reconciliation in Canada. My hope and goal is that, for generations to come, people will look at what was done in this case as a turning point that led to meaningful change for First Nations children and families in this country. We, the Panel and parties, are in a privileged position to continue to contribute to this change in a substantial way.

[41] On this journey towards change, I hope trust can be rebuilt between the parties. Effective and transparent communication will be of the utmost importance in this regard. Words need to be supported by actions and actions will not be understood if they are not communicated. Reconciliation cannot be achieved without communication and collaboration amongst the parties. While the circumstances that led to the findings in the *Decision* are very disconcerting, the opportunity to address those findings through positive change is now present. **This is the season for change. The time is now.**

[42] Finally, in keeping with the spirit of reconciliation and expediency in this matter, the Panel had hoped the parties would have met a few times by now and discussed remedies. Each party has information and/or expertise that would assist those discussions and be of benefit in resolving this matter more expeditiously. While the Panel was required to issue this ruling, it continues to encourage the parties to meet and discuss the resolution of this matter. As always, the Panel is available to assist and remains committed to overseeing the implementation of its orders in the short and the long term." (Panel's emphasis)

Piecemeal Approach to Reform is not an Effective Way to Proceed

14. In 2016 CHRT 16, the Panel wrote the following at paragraph 34:

"Therefore, leaving some of the assumptions and flaws in the funding formulas for long term reform to ensure everyone is consulted may be problematic. As said in the *Decision*, a piecemeal approach to reform is not an effective way to proceed (see *Decision* at paras. 185 and 331). While the Panel understands that INAC is determined to reform the entire FNCFS Program and believes it intends to do so, it is concerned that deferring immediate action in favour of consultation and reform at a later date will perpetuate the discrimination the FNCFS Program has fostered for the past 15 years. Over that time, despite well documented problems with the program and consultations with its partners and at tripartite tables, INAC's system has failed to adapt to the needs of First Nations children and families (for example, see *Decision* at paras. 134, 138-141, 203, 311, 314-315, 383-394 and 456-467). The Panel understands this is no easy task and that the FNCFS Program cannot be reformed in an instant. However, this does not mean that effective measures cannot be implemented in the meantime. The Panel also agrees with the parties that a one-size-fits-all type of approach is not to be used; this was also addressed in the *Decision* (see para. 315)." (Panel emphasis)

Constitutional, Statutory and Procedural Grounds

15. *The Constitution Act, 1982*, section 35.
16. *The Canadian Human Rights Act*, sections 48, 49, 50 and 53.
17. *The Canadian Human Rights Tribunal Rules of Procedure*, Rule 3.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used in support of the Complainant's motion:

18. Affidavit of Jonathon Thompson to be affirmed;
19. The Respondent's Submissions dated May 10, 2016 and May 24, 2016 and Compliance Reports to the Tribunal dated September 30, 2016 and October 31, 2016;
20. Such further and other material as counsel may advise and the Panel may permit.

Dated at Ottawa this 22nd day of November, 2016.

NAHWEGAHBOW, CORBIERE
Genoodmagejig/Barristers & Solicitors
David C. Nahwegahbow, IPC, LSM
5884 Rama Road, Suite 109
Rama, ON L3V 6H6
T: (705) 325-0520
F: (705) 325-7204
dndaystar@nncfirm.ca

Co-Counsel for the Complainants, Assembly of
First Nations



ASSEMBLY OF FIRST NATIONS
Stuart Wuttke
55 Metcalfe Street, Suite 1600
Ottawa, ON K1P 6L5
T: (613) 241-6789
F: (613) 241-5808
swuttke@afn.ca

Co-Counsel for the Complainants, Assembly of
First Nations

**ORIGINAL TO: Canadian Human Rights Tribunal
c/o Dragiša Adzic, Registry Officer
160 Elgin Street, 11th Floor
Ottawa, ON K1A 1J4**

**COPIES TO: Attorney General of Canada
(representing the Minister of Indigenous and Northern Affairs Canada)**

**Per: Jonathan Tarlton
Melissa Chan
Patricia MacPhee
Atlantic Regional Office
Department of Justice Canada
Suite 1400, Duke Tower
5251 Duke Street
Halifax, NS B3J 1P3
T: (902) 426-3260
F: (902) 426-7913**

**Jonathan.Tarlton@justice.gc.ca
Melissa.Chan@justice.gc.ca
patricia.macphee@justice.gc.ca**

**Per: Terry McCormick
Ainslie Harvey
British Columbia Regional Office
Department of Justice Canada
900-840 Howe Street
Vancouver, BC V6Z 2S9
T: (604) 666-2061
F: (604) 666-2760**

**Terry.McCormick@justice.gc.ca
Ainslie.Harvey@justice.gc.ca**

Counsel for the Respondent (Responding Party), Attorney General of Canada

AND TO: First Nations Child & Family Caring Society of Canada

Per: David P. Taylor
Sarah Clarke
Anne Levesque
Sébastien Grammond

Juristes Power - Power Law
Suite 1103, 130 Albert Street
Ottawa, ON K1P 5G4
T: (613) 702-5560
F: 1 (888) 404-2227

dtaylor@juristespower.ca
sarah@childandfamilylaw.ca
Anne@equalitylaw.ca
sgrammon@uottawa.ca

Counsel for the Complainant, First Nations Child & Family Caring Society of
Canada

AND TO: Canadian Human Rights Commission

Per: Daniel Poulin
Samar Musallam
344 Slater Street, 8th Floor
Ottawa, ON K1A 1E1
T: (613) 943-9532
F: (613) 993-3089

Daniel.Poulin@chrc-ccdp.gc.ca
Samar.Musallam@chrc-ccdp.gc.ca

Counsel for the Commission

AND TO: Chiefs of Ontario

Per: Maggie Wenté
Olthuis, Kleer, Townshend LLP
250 University Avenue, 8th Floor
Toronto, ON M5H 3E5
T: (416) 981-9330

F: (416) 981-9350

MWente@oktlaw.com

Counsel for the Interested Party, Chiefs of Ontario

AND TO: **Amnesty International Canada**

Per: Justin Safayeni
Stockwoods LLP Barristers
TD North Tower
77 King Street West, Suite 4130
PO Box 140
Toronto Dominion Centre
Toronto, ON M5K 1H1
T: (416) 593-3494
F: (416) 593-9345

justins@stockwoods.ca

Counsel for the Interested Party, Amnesty International Canada

AND TO: **Nishnawbe Aski Nation**

Per: Julian Falconer
Anthony Morgan
Akosua Matthews
Falconers LLP
10 Alcorn Avenue, Suite 204
Toronto, ON M4V 3A9
T: (416) 964-0495
F: (416) 929-8179

julianf@falconers.ca

AnthonyM@falconers.ca

akosuam@falconers.ca

Counsel for the Interested Party, Nishnawbe Aski Nation

CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and
ASSEMBLY OF FIRST NATIONS**

Complainants

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

ATTORNEY GENERAL OF CANADA

(representing the Minister of Indigenous and Northern Affairs Canada)

Respondent

- and -

CHIEFS OF ONTARIO and

AMNESTY INTERNATIONAL CANADA and NISHNAWBE ASKI NATION

Interested Parties

AFFIDAVIT OF DEPUTY GRAND CHIEF DENISE STONEFISH

I, Deputy Grand Chief Denise Stonefish, of Delaware Nation Moravian of the Thames, DO
HEREBY SOLEMNLY AFFIRM:

1. I am the Deputy Grand Chief of the Association of Iroquois and Allied Indians and I am the Social Services Portfolio holder for the Chiefs of Ontario.
2. I chair the Social Services Coordination Unit of Chiefs of Ontario, which is composed of representatives from the Political-Territorial Organizations from Ontario as well as representatives from Six Nations and the Independent First Nations Alliance. The Social Services Coordination Unit is the department within Chiefs of Ontario responsible for child welfare policy for First Nations children and therefore I have knowledge of and am apprised of the correspondence and the matters I depose to in this affidavit.
3. On May 9, 2016, the Chiefs of Ontario received a letter from Mauricette Howlett, the then-Regional Director General of Ontario Region of Indigenous and Northern Affairs Canada ("INAC" or "Canada") (the "May 2016 Letter"). A copy of the letter is attached to this affidavit as Exhibit "A". The letter was also addressed to Deborah Richardson, Deputy Minister of the Ontario Ministry of Aboriginal Affairs, as it was named at the time.
4. In the May 2016 Letter, Ms. Howlett stated that Canada, through INAC, was prepared to make new budget investments for child welfare prevention services for First Nations children in Ontario in 2016-2017. Canada suggested that the 2016 Prevention Funding would be provided under the *1965 Memorandum of Agreement Respecting Welfare Programs for Indians* (The "1965 Agreement"), and asked Ontario to provide \$6,235,000 to be used for prevention services for First Nations parents, caregivers, children and youth, with Canada reimbursing Ontario for approximately 93.5% of the total amount as per The 1965 Agreement. Canada stated that its investment would be \$5,830,000.00 for 2016-2017 ("the 2016 Prevention Funding").
5. In the May 2016 Letter, Canada stated "[w]e also look forward to future discussions on Jordan's Principle, the planning and review of the 1965 Agreement, and to consider reforms to address band representation, and other considerations as noted by the Canadian Human Rights Tribunal".

6. On June 2, 2016, Alexander Bezzina (Deputy Minister, Ontario Ministry of Children and Youth Services) and Deborah Richardson (Deputy Minister, Ontario Ministry of Aboriginal Affairs), wrote a letter to Hélène Laurendeau, Deputy Minister of INAC. A copy of that letter is attached to this affidavit as Exhibit "B" (The "June 2016 Letter"). In the June 2016 Letter, the Deputy Ministers from Ontario expressed their disagreement that the funding should be forwarded through The 1965 Agreement and they also expressed disagreement that Ontario should be required to cost-share the prevention funding under the 1965 Agreement formula. The Deputy Ministers stated that The 1965 Agreement did not align with Ontario's legislative framework regarding social and health services for Indigenous children, youth and families and child welfare prevention, protection and mental health.
7. Over the summer of 2016, I was informed by Linda Ense at Chiefs of Ontario and believe that Ontario and Canada reached agreement that the 2016 Prevention Funding would flow through Ontario under The 1965 Agreement, and that Ontario would not be required to make a corresponding contribution under The 1965 Agreement formula as a condition of releasing the 2016 Prevention Funding.
8. Over the summer of 2016, Ontario and Canada sought input from the staff and the Social Services Coordination Unit of Chiefs of Ontario about Chiefs of Ontario's position on the allocation and distribution of the 2016 Prevention Funding in Ontario.
9. Further to a decision of the Political Confederacy of the Chiefs of Ontario, on September 19, 2016 Linda Ense, Social Services Director from Chiefs of Ontario wrote to Peter Jones, Regional Director Education and Social Programs from INAC and to Assistant Deputy Minister Darryl Sturtevant from Ministry of Children and Youth Services for Ontario (the "September 2016 Letter"), a copy of which is attached as Exhibit "C".
10. In the September 2016 Letter, Chiefs of Ontario proposed the 2016 Prevention Funding be allocated directly to Ontario First Nations using the formula used for distribution of the income to First Nations received by the Ontario First Nations Limited Partnership as a result of the operation of gaming revenues in Ontario. Ms. Ense also advised that the decision to allocate funding in this manner applied to the 2016-2017 fiscal year only and that Chiefs of Ontario may propose a different allocation method in the future, and

advised that in the Political Confederacy's view, this was the most expedient and fair way to distribute the 2016 Prevention Funding.

11. Regional Chief Day wrote to Ontario and Canada in a letter dated October 13, 2016, a copy of which is attached as Exhibit "D". In that letter, Regional Chief Day emphasized the need to have the 2016 Prevention Funding distributed quickly, and also acknowledged that there is a working group set up between Canada, Ontario and Chiefs of Ontario which has the purpose of discussing future funding and 1965 Agreement reform (the "Working Group"). I am a member of this Working Group.
12. In a letter dated October 21, 2016 from Mauricette Howlett and Darryl Sturtevant, Assistant Deputy Minister for Ontario Ministry of Children and Youth Services to Chiefs of Ontario, a copy of which is attached as Exhibit "E", Canada and Ontario informed Chiefs of Ontario that they were agreeable to the funding allocation proposed by Chiefs of Ontario.
13. In Canada's report to the Canadian Human Rights Tribunal on October 31, 2016 ("Canada's October 31 Compliance Report"), a copy of which is attached as Exhibit "F" to this affidavit, Canada stated the following about the Band Representative and comparable mental health funding, at pages 9 and 10:

(f) INAC is working with the province of Ontario and First Nations leadership and other partners to review INAC support for child and family services through the 1965 Agreement. Related issues with respect to First Nations children's mental health and funding for Band Representatives are being examined as part of this review process and also as part of the longer-term engagement and reform process involving national and regional discussions. A working group has been initiated in Ontario to begin engagement toward mid- and long-term reform.

INAC's immediate relief investments, including those allocated to Ontario, were a first step in Canada's reform of the FNCFS program.

INAC, the province of Ontario and the Chiefs of Ontario, as a representative of First Nations, have negotiated the distribution of this year's immediate relief for prevention funding, as outlined below in response to (h).

[...]

(h) In its September 30, 2016 response to the Tribunal, INAC provided copies of previously referred to correspondence with the province of Ontario, as well as an update on a September 22, 2016 meeting of INAC, the province of Ontario and the Chiefs of Ontario. All three parties discussed ways to flow the immediate relief investments as quickly as possible for prevention, and all parties have agreed that the 1965 Agreement is the most efficient mechanism to distribute funding at this time. The \$5.8 million in funding will be distributed, according to a formula agreed to by INAC, the province of Ontario and the Chiefs of Ontario, by November 2016.

Following a letter from the Chiefs of Ontario, INAC and the province of Ontario sent letters confirming the agreement on process for flowing immediate relief funding attached as Annex C and Annex D.

With respect to the Mohawk Council of Akwesasne specifically, there is a direct funding agreement between the First Nation and INAC's Ontario Regional office. The First Nation has received their funding for 2016 immediate relief.

[Annexes omitted]

14. In Canada's October 31 2016 Compliance Report, Canada reported the following about its position on funding the a study on the adequacy of The 1965 Agreement in achieving comparability of services to First Nations children, including culturally appropriate

services and considering the best interests of children (the "Ontario Special Study"), at page 30:

INAC's view is that part of the reform process needs to determine "the adequacy of the 1965 Agreement in achieving comparability of services; culturally appropriate services that account for historical disadvantage; and, ensuring the best interest of the child are paramount" (September 14, 2016 ruling, paragraph 103), as outlined in the findings of the Tribunal. INAC is working with the province of Ontario and First Nations leadership and other partners to look specifically at INAC's support for child and family services through the application of the 1965 Agreement, with discussions to-date focusing on immediate relief investments for 2016-17. 1

15. In a letter dated December 2, 2016 (the "December 2 2016 Letter") from Anne Scotton, INAC Regional Director General for Ontario and Darryl Sturtevant to Ontario Regional Chief Day, a copy of which is attached as Exhibit "G", Canada and Ontario again concurred that the 2016 Prevention Funding would be distributed according to Chiefs of Ontario's recommendation, and that there was \$150,000.00 "available this year to support the activities of the members of the tripartite Child and Family Services Working Group".
16. In a letter dated December 5 2016 from Ontario Regional Chief Day to Anne Scotton and Assistant Deputy Minister Darryl Sturtevant, a copy of which is attached as Exhibit "H", Regional Chief Day sought clarification that \$150,000 of funding for the activities of the Working Group as detailed in the December 2 2016 Letter was to fund Chiefs of Ontario and the Social Services Coordination Unit's participation in meetings of the Working Group.
17. Chiefs of Ontario has advised Canada repeatedly in the remedial stage in the course of these proceedings through its submissions on immediate relief that Chiefs of Ontario views Band Representative and comparable mental health funding as required funding for "immediate relief" to alleviate discrimination against First Nations children in the short term, pending systemic change and reform of funding under The 1965 Agreement.

18. Chiefs of Ontario has advised Canada repeatedly in the remedial stage of these proceedings through its submissions on immediate relief, and that in Chiefs of Ontario's view it is essential to complete the Ontario Special Study.
19. To my knowledge, Chiefs of Ontario has never received any notice that Canada intends to provide funding for Band Representatives provided for under the *Child and Family Services Act* in the 2016-2017 fiscal year or beyond, and to my knowledge no such funding exists or has been announced by Canada.
20. To my knowledge, Chiefs of Ontario has never received any notice that Canada intends to provide funding for comparable mental health services for children and families under the *Child and Family Services Act* in the 2016-2017 fiscal year or beyond, and to my knowledge no such funding exists or has been announced by Canada.
21. To my knowledge, Chiefs of Ontario has not received any notice that Canada has committed to or intends to fund an Ontario Special Study, through the Working Group, or otherwise.
22. I make this affidavit for the purposes of a motion to the Canadian Human Rights Tribunal regarding Canada's compliance with the Tribunal's orders, and for no other purpose.

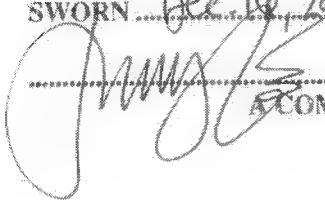
AFFIRMED before me at the City of
Toronto, in the Province of Ontario this
16th day of December, 2016.


A Commissioner, etc.

LSJC # 58708V



Deputy Grand Chief Denise Stonefish

THIS IS EXHIBIT A TO THE
AFFIDAVIT OF Denise Stangor
SWORN Dec 16, 2016

A COMMISSIONER ETC.



Indigenous and
Northern Affairs Canada

Affaires autochtones
et du Nord Canada

Released under the Access
to Information Act
Communiqué en vertu de la
Loi sur l'accès à
l'information

Your file - Votre référence

MAY 09 2015

Our file - Notre référence

ON6744;
931176

Isadore Day
Regional Chief
Chiefs of Ontario
804 - 111 Peter Street
TORONTO ON M5V 2H1

Deborah Richardson
Deputy Minister
Ministry of Aboriginal Affairs
160 Bloor Street East, Suite 400
TORONTO ON M7A 2E6

Dear Regional Chief Day and Deputy Minister Richardson:

On behalf of Indigenous and Northern Affairs Canada (INAC), I am pleased to share with you our proposed first steps to respond in Ontario to the recent decision of the Canadian Human Rights Tribunal on First Nations Child and Family Services. We very much look forward to working collaboratively to advance reform of Canada's support for First Nations Child and Family Services in Ontario.

Budget 2016 announced an investment of \$634.8 million over five years to support both the immediate needs of First Nations children and to begin a process of reform to strengthen the First Nations Child and Family Services program. This investment will support front-line services for First Nations children and families as the government moves to engage with partners on how to address child welfare issues in First Nation communities.

With funds available under Budget 2016, INAC Ontario Region is prepared to make new investments in First Nation prevention services in 2016-2017. In Ontario, this investment can be made immediately through the 1965 *Memorandum of Agreement Respecting Welfare Programs for Indians* ("1965 Agreement"), pending our work together to review and discuss reforms to this Agreement.

To commit funding to Ontario under the 1965 Agreement, INAC requests that the provincial Ministry of Children and Youth Services, with the support of First Nations, consider investing up to \$6,235,000 on prevention services for First Nation parents, caregivers, children and youth in 2016-2017. This may include various approaches, such as a general funding increase across all current service providers or specific funding increases to address existing service gaps in the areas of greatest need.

.../2

Canada

- 2 -

In accordance with the existing 1965 Agreement cost-sharing formula, INAC is prepared to reimburse approximately 93.5 per cent of these provincial expenditures on enhanced prevention services, up to the amount of \$5,830,000 in 2016-2017. INAC will communicate amounts in respect of subsequent years as we move forward and subject to Parliamentary and Treasury Board approvals.

To consider next steps regarding these new investments in prevention services, I would like to arrange a meeting at the earliest opportunity. My Senior Executive Assistant, Ms. Chantale Pharand, will be contacting your office to discuss scheduling and participation in this meeting. She can be reached at (416) 973-6201 or Chantale.Pharand@aandc.gc.ca.

We also look forward to future discussions on Jordan's Principle, the planning of a review of the 1965 Agreement, and to consider reforms to address band representation, and other considerations as noted by the Canadian Human Rights Tribunal. To support a coordinated process for engagement of Aboriginal Representative Organizations, First Nations and their members, as well as service providers and other organizations, INAC Regional Social Program staff will be in contact with your officials to discuss future opportunities.

I am pleased to be working together with you and all our partners copied on this correspondence, as we take these important first steps to advance the reform of Canada's support for First Nations Child and Family Services in Ontario.

Yours sincerely,



Mauricette Howlett
Regional Director General
Ontario Region

25 St. Clair Avenue E., 8th Floor
TORONTO ON, M4T 1M2

.../3

- 3 -

c.c.: Grand Chief Alvin Fiddler, Nishnawbe Aski Nation
Mr. Travis Boissoneau, Chief Administrative Officer, Nishnawbe Aski Nation
Grand Council Chief Patrick Wedaseh Madahbee, Anishinabek Nation
Mr. Allan Dokis, Chief Operating Officer, Anishinabek Nation
Ogichidaa Warren White, Grand Council Treaty No. 3
Mr. Mervyn Gryschuk, Executive Director, Grand Council Treaty No. 3
Grand Chief Gordon Peters, Association of Iroquois and Allied Indians
Deputy Grand Chief Denise Stonefish, Association of Iroquois and Allied Indians and
Chair, Chiefs Committee on Social Services, Chiefs of Ontario
Mr. Geoff Stonefish, Office Manager, Association of Iroquois and Allied Indians
Mr. Alexander Bezzina, Deputy Minister, Ministry of Children and Youth Services
Ms. Janet Menard, Deputy Minister, Ministry of Community and Social Services
Mr. George Zegarac, Deputy Minister, Ministry of Education
Dr. Bob Bell, Deputy Minister, Ministry of Health and Long-Term Care
Mr. Steven Vanloffeld, Executive Director, Association of Native Child and Family
Service Agencies of Ontario
Ms. Karen Hill, Director of Aboriginal Services, Ontario Association of
Children's Aid Societies
National Chief Perry Bellegarde, Assembly of First Nations
Dr. Cindy Blackstock, First Nations Child and Family Caring Society of Canada
Ms. Marie-Claude Landry, Chief Commissioner, Canadian Human Rights Commission
Ms. Lori Doran, A/ Regional Executive, Health Canada
Ms. Paula Isaak, Assistant Deputy Minister, Education and Social Development
Programs and Partnerships, INAC
Ms. Leea Litzgus, Associate Regional Director General, Ontario Region, INAC

THIS IS EXHIBIT B TO THE
AFFIDAVIT OF Denise Stenesh
SWORN Dec. 16, 2016
[Signature]
A COMMISSIONER ETC.



Ministry of Children
and Youth Services

Deputy Minister
14th Floor
56 Wellesley St. W
Toronto ON M5S 2E3
Tel: (416) 212-7432
Fax: (416) 325-5332

Ministry of Aboriginal Affairs

Deputy Minister
Suite 400
160 Bloor St. E
Toronto ON M7A 2E8
Tel: 416-326-4740
Fax: 416-326-4779



June 2, 2016

Hélène Laurendeau
Deputy Minister
Indigenous and Northern Affairs Canada
10 Wellington Street
Gatineau, QC
K1A 0H4

Dear Deputy Minister Laurendeau:

In follow-up to our telephone conversation on June 1, 2016, I am writing with my colleague Deputy from the Ministry of Children and Youth Services regarding the letter dated May 9, 2016 on Indigenous and Northern Affairs Canada's (INAC) proposal for new investments in 2016-17 for First Nations prevention services in Ontario.

Ontario considers the issue of funding for First Nations children and youth to be of utmost importance. We would like to arrange an in-person meeting with you and your senior INAC officials to discuss how best to move forward given the importance of this issue to Indigenous children in Ontario and the timelines set out by the Canadian Human Rights Tribunal.

Ontario acknowledges INAC's commitment to reform its First Nations child and family services program and expand its narrow definition of Jordan's Principle following the January 2016 decision of the Canadian Human Rights Tribunal. We also acknowledge INAC's commitment to invest \$5,830,000 in Ontario for First Nations prevention services in 2016-17. We want to work with you to advance our shared objective of improving the lives of Indigenous children.

Since 2013, Ontario and First Nations have worked collaboratively to co-develop the Ontario Indigenous Children and Youth Strategy – a framework that will advance the work of First Nations to take the lead in the care of their children and youth. We collectively believe that the vision, principles and pillars of this Strategy reflect a strong and collaborative basis for discussions with the federal government on child and youth services funding, and that the new prevention funding from Canada, now and in subsequent years, can support its implementation.

Ontario has and continues to partner with First Nations and make significant investments in services for Indigenous children, youth and families across the province. These investments are outside of the modest prevention services

.../cont'd

-2-

currently cost-shared with INAC under the IWA. Ontario has announced several new prevention-focused initiatives and investments in Ontario where new federal funds could be directed alongside new provincial investments, including:

- \$80M over three years (including \$20M in 2016-17) to launch an Indigenous Family Well-Being program focused on family preservation and addressing the root causes of inter-generational trauma for First Nations, Métis, Inuit and urban Indigenous children, youth, and families;
- A historic investment of \$222M over three years for the Ontario First Nations Health Action Plan, including \$60M over three years for life promotion and crisis support initiatives in First Nations communities to stabilize communities in crisis and prevent communities from reaching the crisis point (e.g., mental health workers in on-reserve schools, trauma teams, recreational and land-based programming);
- As announced through the recent Commitment to Reconciliation with Indigenous Peoples, investments of \$150M over the next three years for programs and actions to close gaps and remove barriers for Indigenous communities and peoples, including for new mental health and addiction supports, new and expanded Indigenous mental health and addictions treatment and healing centres, life promotion and suicide prevention strategies for children and youth, and child care and family programs. These initiatives will also be supported by further prevention-focused actions, such as investments in cultural camps and a new Indigenous Cultural Revitalization Fund.

Ontario views Canada's commitment for new prevention funding as a positive but first step in ensuring that federal funding for First Nations child and family services responds to the Canadian Human Rights Tribunal's decision. It is also the opportunity to start to reform the way that Canada, Ontario and First Nations collaboratively work together to fund the full range of services that are necessary for children, youth, families and communities to achieve equitable outcomes in health and wellbeing.

Ontario has concerns with INAC's proposal to flow the new federal funds for prevention services through the 1965 Indian Welfare Agreement (IWA). The IWA does not adequately align with Ontario's legislative framework and associated policy directions regarding social and health services for Indigenous children, youth and families, including child welfare prevention, protection, and mental health.

The IWA is also a bilateral agreement that does not include First Nations, and thus does not reflect the partnership between Ontario and First Nations in program, policy, and system reforms. The funding restrictions and complex formulae behind the IWA could potentially impact expenditure and recovery of the prevention funds in this fiscal year.

.../cont'd

-3-

Flowing funds through the IWA will shift the burden for funding administration, allocation and cost recovery to Ontario and to First Nations, which Ontario does not expect was the intention of the Tribunal.

Further, in our view, it could not be the expectation of the Tribunal that the outcome of a ruling, directed at the federal government, is that Ontario be required to provide additional provincial funding to enable the federal government to begin to meet its obligations to Indigenous children.

Ontario agrees that new federal funding should flow expeditiously in order to benefit First Nations children, youth, and families across this province. This is an important issue for Canada, Ontario and for First Nations, for which the health and wellbeing of their children, youth and families is paramount.

We would like to work together and with First Nations to find an approach to roll out these new funds that is forward looking, unencumbered by the challenges of the IWA, and consistent with the findings of the Tribunal decision. We believe that there is an opportunity for us to find an interim arrangement that will set the stage for discussions over the next year for a new, comprehensive, and outcomes-focused tripartite funding arrangement.

While respecting and agreeing that engagement with First Nations partners regarding this new federal funding must begin as soon as possible, Ontario will need to first meet bilaterally with First Nations partners, consistent with Ontario's joint approach to the Ontario Indigenous Children and Youth Strategy and our relationship set out in the First Nations-Ontario Political Accord.

Finally, we wish to confirm that the Ministry of Children and Youth Services is the lead provincial ministry for discussions related to child and family services funding in Ontario. Darryl Sturtevant, Assistant Deputy Minister, Strategic Policy and Planning Division, will be the primary point of contact for communications and discussions moving forward. Darryl can be reached at darryl.sturtevant@ontario.ca or at 416-327-9481.

We would be pleased to work with your offices to schedule this important face-to-face meeting in the coming weeks.

Sincerely,



Alexander Bezzina
Deputy Minister
Ontario Ministry of Children and Youth
Services



Deborah Richardson
Deputy Minister
Ontario Ministry of Aboriginal Affairs

.../cont'd

-4-

Encl:

- May 9 2016 Letter from INAC to DM Richardson and Ontario Regional Chief Day
- Ontario Indigenous Children and Youth Strategy framework

c: ✓ Ontario Regional Chief Isadore Day
Mauricette Howlett, Ontario Regional Director General, Indigenous and
Northern Affairs Canada
Janet Menard, Deputy Minister, Ministry of Community and Social Services
George Zegerac, Deputy Minister, Ministry of Education
Dr. Bob Bell, Deputy Minister, Ministry of Health and Long-Term Care
Darryl Sturtevant, Assistant Deputy Minister, Ministry of Children and Youth
Services
Alison Pilla, Assistant Deputy Minister, Ministry of Aboriginal Affairs
Erin Hannah, Assistant Deputy Minister, Ministry of Community and Social
Services
Nancy Matthews, Assistant Deputy Minister, Ministry of Education
Patrick Dicerni, Assistant Deputy Minister, Ministry of Health and Long-Term
Care
Ms. Marie-Claude Landry, Chief Commissioner, Canadian Human Rights
Commission

THIS IS EXHIBIT C TO THE
AFFIDAVIT OF Denise Stonehill
SWORN Dec. 16, 2016
[Signature]
A COMMISSIONER ETC.

Secretariat Office
111 Peter Street, Suite 804
Toronto, ON M5V 2H1
1-877-517-6527
chiefs-of-ontario.org



**CHIEFS
OF ONTARIO**

*Released under the Access
to Information Act*

*Communiqué en vertu de la
Loi sur l'accès à
l'information*
Political Office
236 Frontenac Street
Batchewana First Nation, Ontario
P6A 6Z1
705-254-1477

September 19, 2016

Peter R. Jones, Regional Director - Education
and Social Programs,
Indigenous and Northern Affairs Canada
Ontario Regional Office
25 St. Clair Avenue E., 8th Floor
Toronto, ON
M4T 1M2

Assistant Deputy Minister Darryl Sturtevant
Ministry of Children and Youth Services
Strategic Policy and Planning Division
14th Floor, 56 Wellesley Street W
Toronto, ON
M5S 2S3

Dear Sirs:

Re: Distribution of Immediate Relief Investments - Chiefs of Ontario Position

I write to advise of Chiefs of Ontario's position on the distribution and allocation of "immediate relief" funding announced 2016-2017 budget by the Government of Canada for prevention services to on-reserve First Nations children in Ontario.

The Political Confederacy of Chiefs of Ontario has met and decided that the recommendation of Chiefs of Ontario for distribution of the immediate relief funding for the 2016-2017 fiscal year is based on the "Casino Rama" formula directly to Ontario First Nations for them to provide prevention services in their communities. This formula takes into account population and remoteness to an extent. This formula is one that has already been agreed to by the Chiefs in Ontario for distribution of other money, and in Chiefs of Ontario's view it represents the least complicated way of determining allocation of funding so that funds may flow without further delay. We are mindful of the Canadian Human Rights Tribunal's remarks in its September 15, 2016 decision that immediate relief funding is not intended to be perfect but that it should commence distribution in a timely fashion. We are supportive of prevention work being done directly by First Nations governments within their own communities. That said, if First Nations would like to use their funding to collaborate with other First Nations or to make contributions to their local child and family services agencies, we would also be supportive of such approaches as each First Nation can determine what suits their own families and children best.

We are in the process of producing an updated spreadsheet with updated population numbers in order to fine tune the amounts that we recommend and will forward it as soon as it is complete.

We stress that the recommendation is for distribution for this fiscal year's funding only. We look forward to ongoing further discussion in which we can fine tune the approach to distribution and allocation, being mindful of the Tribunal's directions and orders. Lastly, we wish to reiterate that this recommendation is being made without

prejudice to our position that the "immediate relief investments" are insufficient for eliminating discrimination in the short form.

We trust that Canada and Ontario will be able to work together quickly to ensure that funding is provided in a timely fashion, and we will provide the assistance we can to facilitate this process.

Should you wish to discuss any of the above, please do not hesitate to contact the undersigned.

Yours truly,



Linda Ense
Director of Social Services

Cc: Political Confederacy
SSCU

THIS IS EXHIBIT D TO THE
AFFIDAVIT OF Denise Steneck
SWORN Dec. 4, 2016
[Signature]
A COMMISSIONER ETC.

Secretariat Office
111 Peter Street, Suite 804
Toronto, ON M5V 2H1
416-597-1266
www.chiefs-of-ontario.org



**CHIEFS
OF ONTARIO**

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*Communiqué en vertu de la
Loi sur l'accès à
l'information*

Political Office
236 Frontenac Street
Batchewana First Nation, ON
P6A 6Z1
705-254-1477

October 13, 2016

To
Mauricette Howlett
Regional Director General, Ontario
Indigenous and Northern Affairs Canada

Email: Mauricette.Howlett@aandc-aadnc.gc.ca

And
Assistant Deputy Minister Darryl Sturtevant
Ministry of Children and Youth Services, Ontario

Email: darryl.sturtevant@ontario.ca

Re: Immediate Relief Funding for Child Welfare Prevention

Dear Ms. Howlett and Mr. Sturtevant:

I am writing to follow up on our meeting of September 22, 2016. I will begin by reiterating a point discussed in the meeting: *"COO emphasizes the importance of flowing the funding immediately."*

COO welcomes a working group to plan prevention funding within Ontario over the medium and long term, as well as any other medium-to-long term measures to reform or replace the 1965 Agreement and program reform. But, as to the immediate relief in this fiscal year, there is no more time to waste. The time for working groups or other consultations has long passed. Those efforts should have been completed many months ago.

It is now 9 months since the Tribunal's decision on the merits, and nearly 7 months since the federal budget and start of the new fiscal year. Funds for immediate relief are long overdue.

By now, the 2016-17 fiscal year is quickly elapsing. If funds for immediate relief are not flowed out, there will soon be no more time to left in which to spend them. Our children are waiting.

You had asked us earlier too for our views on how to flow those funds and we had already provided them in a letter dated September 19, 2016. There are two key portions to that letter:

- As we have indicated, if the 1965 Agreement is the fastest distribution mechanism at this time, we accept its use for that purpose this year. If the funds cannot be distributed directly by Canada, they should be provided to Ontario for Ontario to distribute them.
- As to the distribution formula, we provided our position in our said letter of September 19 to Peter Jones of your office, copied to Ontario, attached. On the recommendation of the Chiefs of Ontario Social Services Coordination Unit (SSCU), the Chiefs of Ontario Political Confederacy adopted a resolution, as described to you in that letter, calling for this year's funds to be distributed to First Nations based on the distribution formula used for gaming revenues (the "Casino Rama" formula or the "Ontario First Nations Limited Partnership Formula"). As indicated in that letter, this formula was chosen as *"it represents the least complicated way of determining*

the allocation of funding so that funds can be distributed without further delay". Please find attached a draft spreadsheet that identifies the distribution of \$5.8 M pursuant to that formula. (Note: the spreadsheet contains confidential First Nation-specific information and is not appropriate for public disclosure. We require updated population numbers for some First Nations after which we can finalize the formula and proposed distribution.).

The PTOs appoint representatives to the Chiefs of Ontario Social Services Coordination Unit. The SSCU made the recommendation that was adopted by the Political Confederacy, which we have communicated to you. Therefore, the PTOs have already made their views known through the SSCU and Political Confederacy. Agencies and the First Nations that they serve and are their members are in contact with their PTOs and with COO. As indicated in our letter, the role of agencies has already been addressed in our recommended funding model. Where First Nations have established agencies they may choose to provide their funds to their agencies if they wish. Not all First Nations have agencies, and some may choose, as may be appropriate, to have prevention programs be provided by the community.

As to what kinds of prevention services can and or should be provided, we assume that INAC has in its possession the descriptions of the scope of prevention activities, which can be provided to First Nations when Ontario releases the funding. The working group can talk about expanding or refining that scope for future years in the future. However, if INAC would like Ontario to manage the distribution of the funding through the 1965 Agreement or otherwise, then it is properly Ontario's role to ensure the funding is spent on prevention.

For now the endless talking, meeting and so-called "consultation" is only serving to deprive our children and families of the support they need. This is precisely the warning of the Canadian Human Rights Tribunal in its most recent decision when it said "deferring immediate action in favour of consultation and reform at a later date will perpetuate the discrimination the FNCFCs Program as fostered for the past 15 years". Immediate relief is no longer immediate. If it is to have any use for this fiscal year, it needs to be distributed without further delay.

We are pleased to have a working group on medium-to-long term prevention, funding, and program reform. The COO SSCU representatives will serve on the working group and are willing to meet, subject to INAC's provision of support for that process.

Yours truly,
CHIEFS OF ONTARIO



Isadore Day, Wiindawtegowinini
Ontario Regional Chief
CC: Political Confederacy

THIS IS EXHIBIT E TO THE
AFFIDAVIT OF Denise Stonefish
SWORN Dec. 19, 2014
[Signature]
A COMMISSIONER ETC.



Indigenous and
Northern Affairs Canada

Affaires autochtones
et du Nord Canada



Ontario

Ministry of Children and
Youth Services

Ministère des Services
à l'enfance et à la jeunesse

October 21, 2016

Isadore Day
Ontario Regional Chief
Chiefs of Ontario
111 Peter Street, Suite 804
TORONTO ON M5H 2H1

Dear Chief Day:

Re: Immediate Relief Funding for Child Welfare Prevention in First Nations

Thank you for your letter dated October 13, 2016, regarding the disbursement of Canada's immediate relief funding for prevention activities to First Nation communities in Ontario.

Indigenous and Northern Affairs Canada (INAC) and the Ministry of Children and Youth Services are in agreement with the Chiefs of Ontario about the importance of flowing the \$5.83 million immediately, and agree that the Casino Rama funding model should be used to distribute funding for prevention activities.

The Ministry of Children and Youth Services has agreed to receive the funding from INAC through the 1965 Indian Welfare Agreement, and will use the partnerships of the Ontario Indigenous Children and Youth Strategy to flow the funds. Please find attached an updated spreadsheet with the funding breakdown (see Appendix A). The immediate relief funds are to be used for prevention services and activities as defined by the communities that will support the implementation of Ontario's Indigenous Children and Youth Strategy, including start-up costs for the Family Well-Being Program.

In terms of next steps, INAC will set up a meeting with the identified working group members from the Chiefs of Ontario's Social Services Coordination Unit and the Ministry of Children and Youth Services in the coming weeks as part of the Technical Tripartite Working Group to provide additional details regarding the release of funding, and begin work on funding and program reform options for 2017-2018, including transformation of funding currently provided through the 1965 Indian Welfare Agreement.

Sincerely,

A/ Mauricette Howlett
Regional Director General
Indigenous and Northern Affairs Canada

Darryl Sturtevant
Assistant Deputy Minister
Ontario Ministry of Children and Youth Services

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**Attachment: Application of OFNLP Formula for Distribution of Immediate Relief to
Ontario First Nations, 2016-17**

c.c.: Political Confederacy

**Deputy Grand Chief Denise Stonefish, Chair, Chiefs Committee on Social
Services, Chiefs of Ontario**

**Linda Ense, Director of Social Services, Chiefs of Ontario
Social Services Coordination Unit, Chiefs of Ontario**

Nancy Matthews, Deputy Minister, Ministry of Children and Youth Services

**Sarah Caldwell, Director, Strategic Policy and Aboriginal Relationships Branch,
Ministry of Children and Youth Services**

Margaret Buist, Director General, Children and Families Branch, INAC

APPENDIX A:

Grant Recipient	Total Funding (2016/17)
Association of Iroquois and Allied Indians	\$445,376.77
Grand Council Treaty #3	\$715,787.08
Independent First Nations	\$430,609.61
Nishnawbe Aski Nation	\$1,841,281.82
Union of Ontario Indians	\$1,565,495.00
Mississaugas of the New Credit First Nation	\$53,470.22
Six Nations of the Grand River	\$414,458.35
Stanjikoming	\$20,007.84
Moose Cree	\$85,963.33
Waabigoniiw Saaga'iganiiw Anishinaabeg	\$28,313.79
Bkejwanong Territory	\$89,229.04
Mississauga	\$36,992.53
Atikameksheng Anishnawbek	\$36,023.26
Ojibway Nation of Saugeen #258	\$21,170.97
Chippewas of Mnjikaning	\$45,820.40
TOTAL:	\$5,830,000.01

THIS IS EXHIBIT F TO THE
AFFIDAVIT OF Denise Stenehob
SWORN Dec 16, 2016
[Signature]
A COMMISSIONER ETC.

**OCTOBER 31, 2016 RESPONSE OF
INDIGENOUS AND NORTHERN AFFAIRS CANADA TO THE CANADIAN HUMAN
RIGHTS TRIBUNAL ORDER OF SEPTEMBER 14, 2016**

The Government of Canada is renewing its relationship with Indigenous peoples and is working in close partnership with First Nations to support the health and well-being of Indigenous children, families and communities across the country.

The government is working hard to reform the services the Tribunal found are discriminatory. Budget 2016 funding was a first step. Canada has started working with its partners to reform the First Nations Child and Family Services Program on reserve and to implement further improvements to Jordan's Principle.

The following is Canada's response to the September 14, 2016 ruling of the Canadian Human Rights Tribunal (the Tribunal) concerning INAC's First Nations Child and Family Services Program and Jordan's Principle.

In that ruling, the Tribunal ordered INAC to serve and file information about how it developed its five year plan for investing in the First Nations Child and Family Services program and copies of correspondence with the province of Ontario. INAC complied with this order on September 30, 2016.

The Tribunal further ordered INAC to take seven additional immediate measures, and to provide a compliance report on a series of other matters by October 31, 2016. A response to these orders is outlined below.

Part A: Response to the Panels order at Para 157: *For clarity, the Panel orders INAC to update its policies, procedures and agreements to comply with the Panel's findings in the Decision.*

INAC has begun a comprehensive reform of the First Nations Child and Family Services (FNCFS) program in order to ensure the program meets the needs of First Nations children, families and communities. As part of this process, INAC is reviewing and updating its guiding policies, procedures and agreements to comply with the Tribunal's findings in the January 2016 Merits Decision.

The Tribunal's general order to reform the First Nations Child and Family Services Program and the 1965 Agreement in compliance with the Merits Decision will be achieved in the longer term, with certain interim measures being put in place until that time (September 14, 2016, paragraph 137).

As an interim approach, INAC made updates to the funding agreements and associated reporting requirements in all jurisdictions to reflect the distribution of immediate relief investments to support front-line service providers and prevention-based funding. INAC is also in the process of updating its National Manual for Social Programs. Changes are being made to the First Nations Child and Family Services section, along with a note indicating that this section will be fully revised following the reform and engagement process.

Part B: Response to the Panel's Order on Reporting

a. How INAC has complied with the immediate measures ordered above in section A of the Tribunal's September 14, 2016 ruling

1. INAC will not decrease or further restrict funding for First Nations child and family services or children's services covered by Jordan's Principle

INAC is not decreasing or further restricting funding for First Nations child and family services or children's services covered by Jordan's Principle.

In its five-year plan for investing in child and family services on reserve, the amount of funding for INAC's First Nations Child and Family Services Program increases each year until year five. As part of the engagement and reform process, INAC has started and will continue national and regional discussions develop a longer-term funding plan.

2. INAC will determine budgets for each individual FNCFS Agency based on an evaluation of its distinct needs and circumstances, including an appropriate evaluation of how remoteness may affect the FNCFS Agency's ability to provide services

INAC's current calculations, as part of the five-year plan, have been done at the regional level, as outlined in section to A (2) and Annex C of the September 30, 2016 response to the Tribunal.

To comply with this order, INAC has directly asked each agency to cost out and provide information about their distinct needs and circumstances.

On October 28, 2016, INAC sent a letter to delegated First Nations Child and Family Services agencies requesting this information (**Annex A**). INAC is also working with the provinces/Yukon to gather feedback from communities served directly by the province/territory or other service providers.

This request invites agencies to provide INAC with information about what they need. This input could include: the range of service needs needed by First Nations children and families in their communities (including the percentage of families at risk or in need of prevention); the context in which agencies provide these services (e.g., what other community services available); their ability to provide prevention services and programs and culturally responsive programs; operational support for staff; options for meeting the particular needs of operating a small agency; the scope and range of legal fees agencies pay in support of First Nations children in care; capital/building repair needs; and specific effects of remoteness in an agency's ability to provide services (e.g., travel and response times).

INAC has offered to provide each agency with \$25,000 to support their work in defining their needs.

Understanding that not all agencies may respond to this request for information (due to capacity issues or because they are providing the information to INAC through other means, including tripartite discussions), INAC will continue to gather information on agency needs and circumstances, including specific issues related to remoteness, throughout the engagement process. This will include technical

discussions about funding at tripartite tables with INAC, provinces/Yukon territory and First Nations. All of this information will be used by INAC to better understand the needs and circumstances of agencies and to inform the reform of the FNCFS program, including how agency funding is calculated.

The letter to agencies also provides them with an opportunity to seek financial support from INAC to develop and implement a culturally-based vision for their programming and services. Culturally-based visions for child welfare services are rooted in community-based understandings of healthy children, families and communities, and recognize the unique cultures and context of Indigenous communities. In addition to the \$25,000 to determine individual agency needs and circumstances, up to \$75,000 is available to each agency to support the development of this work.

3. In determining funding for FNCFS Agencies, INAC is to establish the assumptions of 6% of children in care and 20% of families in need of services as minimum standards only. INAC will not reduce funding to FNCFS Agencies because the number of children in care they serve is below 6% or where the number of families in need of services is below 20%

The Tribunal has ordered INAC not to reduce funding to FNCFS agencies serving a population with less than 6% of First Nations children in care (7% in Manitoba) and not to reduce funding to agencies with less than 20% of families in need. INAC has complied and will continue to comply with that order. Note that 7% is used in Manitoba because at the time of signing the federal-provincial cost sharing agreement in 2010, a higher proportion of First Nation children were being admitted into care.

As can be seen in INAC's methodology notes (provided as Annex B of Canada's May 24, 2016 submission to the Tribunal) and agency-by-agency formulas (provided as Annex C of Canada's September 30, 2016 submission to the Tribunal), 6% and 20% have been established as minimum standards for funding calculations. INAC is taking steps so that its funding methodology is focused on service levels and the actual needs of First Nations children and families, which vary over time.

In Ontario, funding for child and family services agencies is determined by the Government of Ontario. Under the Ontario 1965 Agreement INAC reimburses the province for approximately 93% of the cost of child and family services provided to First Nation people ordinarily resident on reserve (see Annex B of the May 24, 2016 submission to the Tribunal for Ontario description). Minimum standards of 6% and 20% do not factor into the funding model of the province.

4. In determining funding for FNCFS Agencies that have more than 6% of children in care and/or that serve more than 20% of families, INAC is ordered to determine funding for those agencies based on an assessment of the actual levels of children in care and families in need of services

INAC is seeking input from First Nations Child and Family Services agencies as to their actual needs in order to determine funding, as set out in question two above. This includes asking each agency to provide information on their actual needs and distinct circumstances, including the percentage of families in need of services. INAC

understands that it may be difficult for agencies to provide information on the percentage of families in need of services, given that definitions and understandings of families at risk and in need of prevention services vary broadly. INAC is open to hearing that using any percentage as a basis on which to fund families at risk may not be the appropriate approach.

With regard to the percentage of First Nations children in care, INAC's funding calculations in its five-year plan were based on the actual numbers of First Nations children in care where the percentage exceeded the 6% threshold. The 2014/15 "Children-in-Care" counts from the FNCFS Information Management System were used to determine the actual percentages. At the time of the calculations, 26 FNCFS agencies were identified as having more than 6% of First Nations children in care. Should these percentages change in the coming year and before reform is complete, funding calculations will be adjusted to reflect the most recent data. They will not be adjusted below 6%.

With regard to the percentage of families in need of services, INAC has used 20% to estimate the percentage of families at-risk or in need of prevention services. Given data is not available on the actual percentage of families in need and there is no established way to define the percentage of families in need or at-risk, no changes have been made to INAC's funding calculations for the percentage of families at-risk in its five-year plan.

However, as an interim measure, as of January, 2017, INAC will prioritize additional prevention funding to support families for those service providers with more than 6% of First Nations children in care, as it is likely that they are under pressure to support additional families in need. When data indicates that a service provider has more than 6% of First Nations children in care, INAC will adjust the 20% assumption of families in need of prevention services and the associated funding upwards on a proportional basis.

In addition, as part of the engagement and reform process, INAC will review the information provided by FNCFS agencies in response to its October 28 letter, and continue national and regional discussions, to gather information in order to be able to fund prevention according to community needs.

5. In determining funding for FNCFS Agencies, INAC is to cease the practice of formulaically reducing funding for agencies that serve fewer than 251 eligible children. Rather, funding must be determined on an assessment of the actual service level needs of each FNCFS Agency, regardless of population level.

While reform is underway, and understanding current pressures on small agencies, as an interim measure, as of January 2017, INAC will set a child population of 300 as the lowest threshold for scaling. Three hundred (300) was selected as the new threshold, as it is the next level up from the 251 ordered by the Tribunal in INAC's current scale, which is outlined below:

Child Pop. (0-18) Core Adjustment

100	12.50%
200	25.00%

300	37.50%
400	50.00%
500	62.50%
600	75.00%
700	87.50%
800	100%

Under the new approach, all agencies serving a 0-18 child population of fewer than 300 would have their core funding stream scaled at 37.5%, whereas previously agencies serving 200 children or less were scaled at 25% and agencies serving 100 children or less were scaled at 12.5%. This is a temporary measure until the actual service needs are determined with each FNCFS agency as part of the engagement and reform process. This change currently affects approximately 10 agencies nationally.

As part of the engagement and reform process, INAC will review the information provided by FNCFS agencies in response to its October 28 letter, and continue national and regional discussions, in order to be able to fund small agencies based on need and to consider alternatives to using population thresholds to determine agency funding.

6. INAC is to cease the practice of requiring FNCFS Agencies to recover cost overruns related to maintenance from their prevention and/or operations funding streams

INAC understands and agrees with the importance of agencies having dedicated funding to support prevention work with families and communities. INAC has complied with the Tribunal's order to cease the practice of requiring FNCFS agencies to recover costs related to maintenance from their prevention and/or operations funding streams.

To ensure all service providers know about this commitment and are no longer recovering costs, INAC formally re-communicated this decision through an email to regional offices on October 24, 2016 and asked that it be shared with all FNCFS agencies (**Annex B**).

Should INAC be made aware that there are cost overruns or pressures related to maintenance funding for an agency, INAC will provide additional funds to cover these costs.

INAC will continue work with its partners to monitor trends, including cost overruns and pressures, as part of its ongoing work to ensure the appropriate level of funding is provided to FNCFS agencies.

7. INAC is to immediately apply Jordan's Principle to all First Nations children (not only to those resident on reserve)

Canada has applied Jordan's Principle as ordered, and identified almost 900 children to receive services and supports to date.

Jordan's Principle applies to all First Nations children. It is intended to resolve jurisdictional disputes involving the care of First Nations children, and includes disputes between departments within the federal government as well as those

between the federal government and provinces/territories. Implementing Jordan's Principle is not just about resolving disputes between provinces/territories and the federal government, but also about working collaboratively with provinces and the Yukon to help ensure First Nations children get the care and support they need. Should a dispute occur between levels of government, the federal government will work with the province/territory to help ensure all First Nations children have access to needed services consistent with what is available to other children in that province/territory.

Provinces and territories have the responsibility to deliver health and social services to all residents living within their respective jurisdictions. Historically, there have been gaps in programming for First Nations children on reserve, particularly for First Nations children living with a disability or critical short-term health or social service need. Recognizing that First Nations families on reserve may face greater difficulties in accessing Federal/Provincial/Territorial (FPT) services and supports, Canada's implementation of Jordan's Principle includes proactive measures that include a focus on the most vulnerable First Nations children.

Specifically, these proactive measures would target First Nations children with a disability or a critical short-term health or social service need living on reserve, or who ordinarily reside on reserve, to help ensure these First Nations children get the care and support they need, comparable to what other Canadian children in the same jurisdiction would receive. To that end, Canada has committed up to \$382.5 million over three years to better meet the needs of these First Nations children. This funding includes a Service Access Resolution fund, to ensure resources are available to support these children, as well as the funding to implement an Enhanced Service Coordination function.

Enhanced Service Coordination is a proactive model of care that will help facilitate access for all First Nations children to FPT services on and off reserve by helping First Nations children and their families navigate systems, which are often complicated, and by coordinating service delivery. The federal government will work through various agencies to deliver Enhanced Service Coordination. Regional offices are working with partners to identify external service delivery organizations in all jurisdictions by the end of December 2016, and to have the Enhanced Service Coordination function in place by April 1, 2017. These agencies will, among other things, assess client needs; facilitate early interventions; develop integrated care plans; connect First Nations children, and their families, to necessary services; and help remove the stress of navigating service systems. In the meantime, regional Focal Points are performing this coordination function. Additionally, Canada is working with First Nations and provincial and territorial partners to collaboratively develop policy and program options for further improvements to our collective approach to Jordan's Principle. To initiate this work, Canada has begun tripartite meetings in regions to discuss ways to continue to improve the implementation of Jordan's Principle.

Canada is also working to find solutions to address any identified, unmet needs for First Nations children living off reserve. Health Canada has sent a directive to existing Regional Focal Points, in both INAC and Health Canada, to reinforce their role in facilitating access for off-reserve First Nations children and their families to needed federal, provincial and territorial health and social services.

INAC has also updated its website, which provides information about what families can do if they believe they have encountered a potential Jordan's Principle case, including contact information for Health Canada and INAC regional offices as well as for the INAC public enquiries 1-800 number, which families can call to report a potential Jordan's Principle case.

b. How it is immediately addressing funding for legal fees

INAC understands agencies need funding for legal fees in order to support the rights and needs of First Nations children in care. As part of the five-year plan, INAC's FNCFS program provides an initial allocation of funds for legal fees and costs as an eligible expense as part of operations funding. Total amounts range by province/Yukon and according to provincial standards, agency size and level of delegation in the case of British Columbia (see Annex C of Canada's September 30 Submission to the Tribunal for agency-by-agency breakdowns).

As an interim measure, if an agency experiences funding pressures related to specific legal fees for a child in a given fiscal year, INAC reviews requests to provide additional funds to cover these requirements on a case-by-case basis. To ensure all partners understand and are implementing this commitment, INAC formally re-communicated this decision through an email to regional offices on October 24, 2016 and asked that it be shared with all FNCFS agencies (**Annex B**).

As part of the engagement and reform process, INAC will review the information provided by FNCFS agencies in response to its October 28 letter, and continue national and regional discussions to better understand agency needs for legal fees.

This will include gathering information about the types and range of legal costs that agencies incur, as well as how the provinces/Yukon support agency legal fees to ensure federal funding meets current needs and gaps.

c. How it is immediately addressing the costs of building repairs where a FNCFS Agency has received a notice to the effect that repairs must be done to comply with applicable fire, safety and building codes and regulations, or where there is other evidence of non-compliance with applicable fire, safety and building codes and regulations

Current FNCFS program authorities are able to cover expenses related to rent, mortgage payments and minor capital expenditures. Minor capital expenditures include maintenance and repairs/upgrades/ renovations to facilities, including those that may be needed to comply with applicable building codes and regulations. Should an agency require funds for minor expenditures outside of its existing budget, the Department would work with the agency, on a case-by-case basis, to collaboratively address it.

Generally, responsibility for costs related to building repairs, including compliance with building codes and regulations are the responsibility of the landlord/owner of the building. INAC does not own FNCFS agency buildings, and INAC's FNCFS funding cannot be used for the purchase of buildings.

As part of the engagement and reform process, INAC will review the information provided by FNCFS agencies in response to its October 28 letter, and continue

national and regional discussions to develop a longer-term response to infrastructure needs.

d. How it determined funding for each FNCFS Agency for the child service purchase amount and the receipt, assessment and investigation of child protection reports

Regarding determining funding for the child service purchase amount, INAC heard, from tripartite discussions with provinces/Yukon and First Nations partners as well as concerns raised by witnesses who testified before the Tribunal, that the FNCFS program's funding of \$100 for the child service purchase amount was not sufficient to meet needs. Based on discussions with regional offices about the range of child service purchase amounts used across the country, as an interim measure, INAC increased the child service purchase amount to \$175.

INAC recognizes that applying a nationally consistent amount may not meet the needs of individual agencies. Therefore, as part of the engagement and reform process, INAC will review the information provided by FNCFS agencies in response to its October 28 letter, and continue national and regional discussions, to define a child service purchase amount based on need.

Regarding intake and investigation ("receipt, assessment and investigation"), INAC proactively amended its calculations to respond to possible agency needs in this area, understanding that intake and investigation are not required services under provincial standards in all regions.

In Alberta, funding calculations reflect a change in provincial service delivery and include a specific budget allocation for intake and for assessment and investigation. For both, a ratio of 1 worker to 800 children (0-18 population) was applied as a result of INAC discussions with the INAC regional office and their discussions with provincial officials. The salary amounts were estimated based on salary amounts for similar positions.

In other regions, where intake and investigation is not generally a requirement under provincial standards, a single budget item was added to support intake and investigation. This was done to allow agency service providers to use operations funding to support intake and investigation services. INAC estimated the ratio of intake and investigation workers to children by using the ratios applied to other positions in the region (e.g., the ratio of other support workers). Exceptions apply in the following regions:

- Prince Edward Island – the Mi'kmaq Confederacy of PEI (MCPEI) provides prevention services and purchases protection services (including intake and investigation) from the province
- Manitoba – INAC provided increased funds for direct service workers to support intake and investigation
- British Columbia – C3 and C4 delegated Aboriginal agencies do not provide protection services, therefore, a line item for intake and investigation was not added. A line item for intake and investigation was applied to C6 Aboriginal Agencies, which provide both prevention and protection services.

As part of the engagement and reform process, INAC will review the information provided by FNCFS agencies in response to its October 28 letter, and continue national and regional discussions to determine funding for intake and investigation services based on need.

e. How much it is allocating for each "growth and future cost driver" and to detail how it arrived at its corresponding allocations for each FNCFS Agency, including for Ontario

INAC's budget does not allocate costs according to the individual factors that form part of growth and future cost drivers (e.g., rates for keeping children out of the parental home, growth in salaries). For the 2016-2017 fiscal year, growth and cost driver funds (see Table 2 of Canada's May 24, 2016 submission to the Tribunal) will be managed centrally for addressing cost pressures and agency needs as they arise, including for Ontario. As part of reform, INAC will work with partners to determine individual agency-by-agency needs and how to best address future cost pressures and rising costs.

Further information about how INAC arrived at its regionally-based calculations for "growth and future cost drivers" can be found in Section A (3) of Canada's September 30, 2016 submission to the Tribunal.

f. How new funding is immediately addressing the adverse effects identified with respect to the 1965 Agreement, especially in terms of mental health services and Band Representatives

INAC is working with the province of Ontario and First Nations leadership and other partners to review INAC support for child and family services through the 1965 Agreement. Related issues with respect to First Nations children's mental health and funding for Band Representatives are being examined as part of this review process and also as part of the longer-term engagement and reform process involving national and regional discussions. A working group has been initiated in Ontario to begin engagement toward mid- and long-term reform.

INAC's immediate relief investments, including those allocated to Ontario, were a first step in Canada's reform of the FNCFS program.

INAC, the province of Ontario and the Chiefs of Ontario, as a representative of First Nations, have negotiated the distribution of this year's immediate relief for prevention funding, as outlined below in response to (h).

g. How it determined funding for remote FNCFS Agencies that allows them to meet the actual needs of the communities they serve, taking into account such things as travel to provide or access services, the higher cost of living and service delivery in remote communities and the ability of remote FNCFS Agencies to recruit and retain staff

INAC determined the specific funding calculations for remote agencies in Manitoba (2010), Saskatchewan (2008) and Quebec (2009) through tripartite table discussions when the Enhanced Prevention Focused Approach was first implemented in each of these provinces. INAC does not currently provide funding for remoteness in other regions, as the Department did not have sufficient data and information on which to base calculations for funding.

As part of the engagement and reform process, INAC will review the information provided by FNCFS agencies in response to its October 28 letter, and continue national and regional discussions to address the needs of remote agencies. This plan will consider the various needs of remote communities, including: the unique needs of northern communities; the compounded needs of small, remote agencies; challenges related to travel and access to other services; the higher cost of living and service delivery; and difficulties recruiting and retaining staff.

h. How immediate relief funding is being distributed in Ontario

In its September 30, 2016 response to the Tribunal, INAC provided copies of previously referred to correspondence with the province of Ontario, as well as an update on a September 22, 2016 meeting of INAC, the province of Ontario and the Chiefs of Ontario. All three parties discussed ways to flow the immediate relief investments as quickly as possible for prevention, and all parties have agreed that the 1965 Agreement is the most efficient mechanism to distribute funding at this time. The \$5.8 million in funding will be distributed, according to a formula agreed to by INAC, the province of Ontario and the Chiefs of Ontario, by November 2016. Following a letter from the Chiefs of Ontario, INAC and the province of Ontario sent letters confirming the agreement on process for flowing immediate relief funding attached as **Annex C and Annex D**.

With respect to the Mohawk Council of Akwesasne specifically, there is a direct funding agreement between the First Nation and INAC's Ontario Regional office. The First Nation has received their funding for 2016 immediate relief.

With respect to the immediate relief funding related to "growth and future cost drivers" for Ontario, see section B (3) above.

i. How it has complied with the order to immediately implement the full meaning and scope of Jordan's Principle, including:

i. confirmation that it is applying the principle to all First Nations children (not just to those resident on reserve)

See response in Part B, section 7.

Jordan's Principle applies to all First Nations children. Canada's response includes the introduction of Enhanced Service Coordination, a proactive model of care that will help facilitate access for all First Nations children to Federal/Provincial/Territorial services on and off reserve by helping First Nations children and their families navigate the systems, and by coordinating service delivery. External service delivery organizations will be identified, through engagement with First Nations, by December 2016 and service coordinators in place for April 2017. In the meantime, regional Focal Points are performing this coordination function. Canada is also working with First Nations and provincial and territorial partners to collaboratively develop policy and program options for a long-term approach to Jordan's Principle. To initiate this work, Canada has begun tripartite meetings in regions to discuss the implementation of Jordan's Principle.

Regional Focal Points will continue to work with provinces and territories and other partners to help ensure that solutions are found to address any identified unmet needs for First Nations children living off reserve as well. Health Canada sent a

directive to Focal Points to reinforce their role in facilitating access for off-reserve First Nations children and their families to needed federal, provincial and territorial health and social services.

INAC has also updated its website, which provides information about what families can do if they believe they have encountered a potential Jordan's Principle case, including contact information for Health Canada and INAC regional offices as well as for the INAC public enquiries 1-800 number, which families can call to report a potential Jordan's Principle case.

ii. an explanation as to why it formulated the application of the principle to children with "disabilities and those who present with a discrete, short-term issue for which there is a critical need for health and social supports"

Canada has focused its response to Jordan's Principle on First Nations children with a disability (e.g., cerebral palsy) or critical short-term health or social need (e.g., broken leg requiring wheelchair) living on reserve, or ordinarily resident on reserve, as these First Nations children are the most vulnerable to potential jurisdictional disputes or service gaps, and typically require the greatest amount of care, often from more than one service provider. These services have historically been more difficult to acquire on reserve because of factors like remoteness or the absence of appropriately trained medical professionals. Further, Canada's response focuses on health and social supports, as these supports are most likely to be subject to a jurisdictional or programming gap, particularly in relation to comparable provincial or Yukon Territory normative standards.

Through the work of both the Regional Focal Points and the Enhanced Service Coordination Function, Canada's response proactively identifies gaps in services for vulnerable First Nations children rather than waiting for a jurisdictional dispute to arise. This approach is intended to help ensure access to needed services, thereby reducing the likelihood of jurisdictional disputes arising, and helping these First Nations children get the care they require. In addition to First Nations children with a disability, Canada's approach includes First Nations children who present with a short-term condition for which there is a critical need for health and/or social services, allowing Canada the flexibility to help ensure that no First Nations children are denied, or experience a delay in, service that they would be eligible for within their provincial or territorial system. Canada will continue to exercise due diligence and flexibility on a case-by-case basis when assessing the eligibility of First Nations children vis-à-vis residency.

Since the July 5, 2016 announcement, regional Focal Points have proactively reached out to First Nations communities, with an initial emphasis on areas with known gaps such as respite care, to identify and support First Nations children with unmet needs. Canada has also provided support to First Nations children for such things as medical transportation, and facilitated and coordinated access to treatment programs, day programs, and allied health or social services.

Canada is also undertaking a strategy for further improvement in the implementation of Jordan's Principle. This will include engagement with stakeholders to examine the

components of Jordan's Principle, including the possible need to reform existing federal programs.

iii. details as to what action it has taken to comply with the "government of first contact" provision in the order

In cases that have come forward where the need could not be met through existing programs in an efficient and effective manner, or where there was a gap or jurisdictional dispute, Canada has provided funding to ensure that First Nations children receive services without delay, in accordance with the normative standard of care in their province of residence.

The purpose of Jordan's Principle is to address disputes to help ensure that First Nations children get the services they need. Provinces and territories generally provide services to all residents of the province without discrimination. However, if there is an issue between Canada and a province/territory over which level of government should provide or pay for a service for First Nations children, Jordan's Principle provides a mechanism to ensure that jurisdictional issues do not get in the way of First Nations children accessing services that are usually available to children in accordance with the normative standard of care in their province or territory of residence.

Canada has also taken a more proactive approach in its response to the Tribunal's January decision. The Service Access Resolution fund provides resources to pay for services in cases where a child living on reserve cannot access those services through existing provincial or federal programs. An essential component of Canada's response is the Enhanced Service Coordination function, which will work with regional Focal Points to help ensure that First Nations children are referred to the appropriate point of first contact.

The people in these roles will facilitate quick assessment to ensure the necessary services are identified and provided. This approach will guide First Nations children, and their families, through provincial/territorial and federal systems to ensure the first point of contact is the government agency best able to meet their needs. This approach should help to avoid jurisdictional disputes and help ensure that First Nations children get equitable services in a timely manner.

In the cases that have come forward thus far, Canada has provided funding for First Nations children resident, or ordinarily resident, on reserve to get the health or social supports they require, and has worked with provinces to ensure First Nations children off reserve are getting the services or supports they need.

iv. clarification as to what process will be followed to manage Jordan's Principle cases, how urgent cases will be addressed, and what accountability and transparency measures have been built into that process to ensure compliance with the order

Any potential Jordan's Principle case can be brought to the attention of the regional Focal Points, either through contact with regional INAC or Health Canada offices (listed on the INAC website at <https://www.aadnc-aandc.gc.ca/eng/1100100033694/1100100033695>) or the Health Canada website <http://www.hc->

sc.gc.ca/contact/fniah-spnia/fnih-spni/rd-dr-eng.php) or through the number (1-800-567-9604) listed on the Jordan's Principle website.

Once any potential case is identified, INAC and Health Canada Focal Points work closely with the province/territory to meet the identified health and social needs of any First Nations child. In cases where a gap in available services or supports is identified, Focal Points will work with the national INAC and Health Canada team to ensure that the necessary service or support is provided through existing programs that the family/service coordinator may have been unaware of, the Jordan's Principle Service Access Resolution fund, or engagement with the province/territory.

Urgent requests for services or supports that cannot be met through existing programming are reviewed by regional Focal Points and then brought to the national office of INAC or HC for immediate decision. The review process is done quickly to prevent any delays in accessing needed services or supports. For non-urgent requests, a Review Committee at Health Canada, consisting of six health and social program experts and professionals, discusses each case. The Committee meets once every week to discuss the nature of case and how best to expeditiously resolve it. The outcomes of decisions are communicated to the regional Focal Point, who then informs the requester.

Complex cases, such as those that may be considered "exceptional" (e.g., fall beyond normative provincial standards), as well as requests for funding for groups of First Nations children to access services such as respite care or allied services, which cannot be provided under current program resources, are considered by the Health Canada/INAC Director General's Operations Committee and brought forward for approval by the ADM chairs of the INAC/Health Canada ADM Oversight Committee.

Once the proactive Enhanced Service Coordination function is fully implemented, it will help First Nations children access the appropriate existing services and supports. It may also help set up or undertake individual assessments, arrange appointments and develop case management plans (in the interim this is being managed through Focal Points, and service agencies supporting First Nations children and their families).

As of October 4, 2016, almost 900 First Nations children, representing various provinces, have been identified to receive services and supports through Canada's efforts to identify the most vulnerable First Nations children in need. The bulk of these children will receive support for respite care, but funding has also been provided for supports such as specialized medical equipment and supplies; medical transportation; specialized day programs; and addiction treatment programs. Together, these amount to a total of approximately \$10.2 million.

Canada is committed to reporting annually on the implementation of Jordan's Principle, and to collecting data on the types of services and supports required by First Nations children, to help support future program reforms. Canada has implemented an appeals mechanism for children and their families, should they disagree with a funding decision.

Communications regarding Jordan's Principle are a high priority for INAC and HC. Canada has updated INAC's website to reflect the new approach to Jordan's Principle (<https://www.aadnc-aandc.gc.ca/eng/1334329827982/1334329861879>), and has issued a directive to all Regional Focal Points regarding how this approach should be implemented. Moving forward, both departments are collaborating on the development of information products to be made available in plain language for families and communities on how to access the services and supports. Enhanced Service Coordinators, once identified and in place, will also be responsible for developing information products for families and communities regarding their role and functions.

v. clarification as to how it will ensure that First Nations, CCI Parties and FNCFS Agencies are part of the consultation process with the provinces/territories, and in other elements of the implementation of Jordan's Principle

Canada is working with First Nations organizations, provinces and territories on a longer-term approach to Jordan's Principle, and is collaborating with those same stakeholders to implement and refine the current approach.

INAC and HC have taken steps to establish an engagement working group that will oversee the engagement process for the longer-term approach to Jordan's Principle. This engagement working group will be co-chaired by Health Canada and the Assembly of First Nations and will be responsible for developing a more detailed engagement strategy that ensures the appropriate parties are included in discussions on Jordan's Principle.

INAC and Health Canada regions have already begun work to engage their First Nations partner organizations, and provincial/Yukon Territory governments on establishing the Service Coordination Function and other aspects of Canada's proactive approach to Jordan's Principle to meet the needs of First Nations children. Health Canada has also developed an initial engagement strategy, to support the work being undertaken by the co-led Health Canada-Assembly of First Nations engagement working group.

vi. providing all First Nations and FNCFS Agencies with the names and contact information of the Jordan's Principle focal points in all regions and informing them of any changes of such

Canada provided a list of Focal Points to all First Nations and FNCFS agencies, on October 28, 2016, and will provide updates to the list as appropriate (**Annex E**).

j. If it is providing funding for the Aboriginal component of the Canadian Incidence Study, including whether that component of the study will include data collection specific to remote and northern First Nations communities

INAC is working with the Public Health Agency of Canada to support the First Nations component of the Canadian Incidence Study (CIS) of Reported Child Abuse and Neglect.

INAC will contribute funding to the First Nations component of the CIS over three years, starting in 2016-2017, through an Interdepartmental Letter of Agreement. The

Public Health Agency of Canada will also fund the study, and provide planning, implementation and methodological support to the CIS to increase the utility of the study.

The plan for data collection, agency recruitment, framing and interpreting findings and all other aspects of the First Nations component of the CIS will be led by a First Nations Advisory Committee. This Committee is composed of First Nations child welfare experts and people with Aboriginal child welfare practice and policy experience. Efforts to collect data on remote and northern First Nations communities will be made, however, there are some specific challenges in collecting CIS data, including that participation in the study is voluntary (i.e., not all agencies who are contacted may choose to participate) and there are costs and capacity constraints in reaching northern and remote agencies (i.e., some do not have pre-existing data collection capacity and many agencies tend to be small, meaning it will be difficult to sample sufficient numbers to get meaningful results).

Part C: Response to the Panels request for additional information:

- a. A list of the First Nations, FNCFS agencies, provincial and territorial authorities, partners, experts or any other persons it has consulted with so far in response to the findings in the Decision and Jordan's Principle, along with its consultation plan moving forward. The list of any past consultations from January to September 2016 should include the agenda and summary of the discussions***

INAC's draft engagement plan on FNCFS is attached as **Annex F**. The engagement plan includes the appointment of a Minister's Special Representative, Dr. Cynthia Wesley-Esquimaux. She will visit each region in the country and meet with a broad range of stakeholders. Discussions with partners are ongoing to further define the engagement plan.

A summary of regional discussions, with departmental officials, on the FNCFS program that have taken place since January 2016 is outlined below; a formal agenda and a summary is available for some but not all of the meetings (it is noted below where no further information is provided in the attachment). It should be noted that these meetings do not constitute formal consultations nor were they specifically focused on INAC's response to the Tribunal. Meetings have been on child and family services generally, including funding for immediate relief and program reform.

(It should also be noted that INAC made its best efforts to collect information on the meetings that have taken place with departmental officials, but there may have been additional discussions or correspondence on this matter during this time period that are not itemized below).

Relevant attachments for regional meetings, in addition to the descriptions below, are included as **Annex G**.

In Ontario:

- May 5, 2016. INAC Regional Director General of Ontario met with provincial Assistant Deputy Ministers of Ministry of Indigenous Relations and Reconciliation

- May 25, 2016. INAC Director of Education and Social Programs Directorate, Ontario Region, met with Province of Ontario's Deputy Minister of Ministry of Indigenous Relations and Reconciliation, the A/Deputy Minister Ministry of Children and Youth Services, the Deputy Minister of the Ministry of Community and Social Services, and the Deputy Minister of the Ministry of
- May 31, 2016. INAC Regional Director General of Ontario met with Chiefs of Ontario
- July 15, 2016. INAC regional and headquarter officials met with MBQ First Nation
- September 22, 2016. INAC Regional Director General of Ontario and the Director General of Child and Family Services met with Ontario (Ministry of Indigenous Relations and Reconciliation and Ministry of Children and Youth Services) and Regional Chief Day, Chiefs of Ontario

In Manitoba:

- February 12, 2016. Meeting with FNCFS Regional Advisory Committee (RAC). RAC is the regional tripartite table
- March 16-17, 2016. Regional Advisory Committee's FNCFS all agency meeting
- March 31, 2016. Northern FNCFS Authority's Agency Relations meeting. Provided CHRT update (no attachment)
- April 6, 2016. Northern FNCFS Authority's Collaborative Working Group meeting; provided CHRT update (no attachment)
- May 2, 2016. Meeting with Southern First Nations Network of Care, included update on CHRT (no attachment)
- May 17, 2016. Meeting with Awasis Agency of Manitoba, included discussion of Budget 2016 adjustments and way forward (no attachment)
- June 23, 2016. Meeting with FNCFS agency finance directors, included discussion of Budget 2016 and immediate relief details (no attachment)
- June 27, 2016. Regional Advisory Committee meeting
- July 22, 2016. Federal/Provincial update meeting, included discussion of CHRT, regional approach and Budget 2016 (no attachment)
- July 25, 2016. Regional Advisory Committee meeting, including Regional Engagement Strategy.

- August 11, 2016. Regional Advisory Committee meeting on regional engagement strategy (minutes not yet finalized, no attachment)

In Quebec:

- April 25, 2016. Meeting with First Nations of Quebec and Labrador Health and Social Services Commission ("the Commission") and INAC on CHRT, Jordan's Principle and additional funding (no attachment)
- May 3, 2016. Regional Roundtable meeting. INAC presented to FNCFS agencies, the Commission, and Quebec's *ministère de la Santé et Services Sociaux* (MSSS) on CHRT, Jordan's Principle and additional funding
- July, 2016. Health Canada meeting with regional partners including INAC, Commission, and MSSS on Jordan's Principle - Child First Initiative (no attachment)
- August 29, 2016. Meeting with the Commission and INAC regarding child and family services engagement (no attachment)
- Week of September 21, 2016. Health Canada meeting with First Nations Health Directors on Jordan's Principle - Child First Initiative (no attachment)
- September 22, 2016. Meeting with Health Canada and INAC (Quebec Region), discussions on syncing programs, Jordan's Principle - Child First Initiative (no attachment)
- September 28, 2016. Meeting with Health Canada, INAC, MSSS. Presentation to MSSS on Jordan's Principle - Child First Initiative
- September 30, 2016. Meeting with Health Canada, INAC (Quebec Region), and Tshakapesh, an institute that serves the Innus of the Basse Côte Nord with learning programs and services (no attachment)
- October 4, 2016. Meeting with MSSS and INAC to discuss child and family services engagement and Jordan's Principle - Child First Initiative (no attachment)
- October 6, 2016. Meeting with Health Canada, INAC (Quebec Region), and *Commission de l'éducation des Premières Nations* (CEPN) (no attachment)

In British Columbia:

- May 12, 2016. Meeting with the Transition Funding Working Group, which is made up of the executive of the Directors Forum and INAC. Discussion focused on the distribution of immediate funding remedies and Jordan's Principle. Most FNCFS agencies were present.
- June 15 -16, 2016. Meeting with Ministry of Children and Family Development (MCFD), INAC BC Region and INAC Headquarters on quarterly bi-lateral accountability framework Committee meeting in Vancouver, BC (no attachment)

- July 14, 2016. Meeting with Ministry of Children and Family Development (MCFD), Northwest Inter-Nation Child and Family Services (Delegated Aboriginal Agency) and INAC for their Joint Advisory Committee meeting in Terrace, BC (no attachment)
- August 23, 2016. Meeting with Ministry of Children and Family Development (MCFD), Splatsin Stsmamlt Services, and INAC for a Child and Family Services Operational meeting in Enderby, BC (no attachment)
- September 8, 2016. Meeting with the Transition Funding Working Group, similar discussion to above (no attachment)
- September 29, 2016. Meeting with Ministry of Children and Family Development (MCFD), Knuwewtwecw Child and Family Services, INAC Treaties and Aboriginal Government- Negotiations West (TAG-NW), and INAC BC Region for a Treaty table working group meeting in Vancouver, BC (no attachment)
- September 29, 2016. Meeting with Tripartite Working Group (INAC, First Nations Leadership Council, and Ministry of Child and Family Development (MCFD) to begin tripartite relationship on objectives relating to improvement of the Child and Family Services Program in British Columbia. (no attachment)
- October 4, 2016. Meeting with Ministry of Children and Family Development (MCFD), Southern Stl'atl'imx Health Council and INAC BC Region for an information meeting in Vancouver, BC (no attachment)
- INAC has attended, and will continue to attend the remainder of the 2016-2017 Regional Caucus Sessions being held by the First Nations Health Council in British Columbia. This year's sessions include discussions related to the social determinants of health, including First Nation child and family services and child well-being more generally. INAC will continue to work with the First Nations Health Council in support of engagement in British Columbia (no attachment)

In Newfoundland and Labrador:

- June 14, 2016. Meeting with Innu Round Table Secretariat (Director and Representative), INAC, and NL province in Goose Bay, NL. Discussions included prevention services and development of Innu proposal
- June 15, 2016. Meeting with INAC and Miawpukek First Nation in Goose Bay, NL to discuss immediate relief funding and prevention proposal
- June 16, 2016. Meeting with Province of Newfoundland and Labrador in St-John's NL to discuss child and family services (no attachment)
- October 5-6, 2016. Meeting with Innu Round Table Secretariat (Director and Representative), INAC, and NL province in St-John's, NL. For October 6,

2016, meeting also included Health Canada, Public Safety, and representatives and Chiefs from both Natuashish and Sheshatshiu communities

In New Brunswick:

- February 10, 2016. Aggregation Working Group meeting with INAC, NB Province, consultant for First Nations, and the Directors from the three-agency model (Mi'kmaq Agency, Maliseet Agency, Elsipogtog Agency) representing the 10 First Nation organizations. Meeting was held in Fredericton, NB. Discussion was on transition to the aggregated model and status update of each agency to meet community-based needs for service delivery (no attachment)
- May 25, 2016. Aggregation Working Group meeting with INAC, NB Province, consultant for First Nations, and the Directors from the three-agency model (Mi'kmaq Agency, Maliseet Agency, Elsipogtog Agency) representing the 10 First Nation organizations. Meeting was held in Fredericton, NB. Discussion was on transition to the aggregated model and status update of each agency to meet community-based needs for service delivery.
- July 20, 2016. Aggregation Working Group meeting with INAC, NB Province, consultant for First Nations, and the Directors from the three-agency model (Mi'kmaq Agency, Maliseet Agency, Elsipogtog Agency) representing the 10 First Nation organizations. Meeting was held in Fredericton, NB. Discussion was on transition to the aggregated model and status update of each agency to meet community-based needs for service delivery
- October 3, 2016. Aggregation Working Group meeting with INAC, NB Province, consultant for First Nations, and the Directors from the three-agency model (Mi'kmaq Agency, Maliseet Agency, Elsipogtog Agency) representing the 10 First Nation organizations. Meeting was held in Fredericton, NB. Discussion was on transition to the aggregated model and status update of each agency to meet community-based needs for service delivery

In Alberta:

- April 29, 2016. Letter to all Alberta First Nations Chief and Council regarding Canadian Human Rights Tribunal Decision and Budget 2016
- May 2, 2016. Meeting with Alberta FNCFS agencies. Cover letter provided to all Alberta FNCFS agencies regarding Budget 2016 and CHRT ruling; presentation provided on Budget 2016 and immediate relief
- August 23, 2016. Meeting with INAC Alberta Region Regional Director General and Alberta Grand Chiefs on child and family services and CFS engagement (no attachment)

In Nova Scotia:

- May 26, 2016. Tripartite meeting with INAC regional office and HQ, Nova Scotia province, and Mi'kmaw Family and Children Services Agency in Dartmouth, NS. Meetings focused on the provincial legislative changes and the impacts on the agency's operations and the revised budget the agency had to submit to INAC for additional funding support (which was approved). Immediate relief was also addressed. Note: Mi'kmaw Family and Children Services Agency holds the tripartite meeting minutes (no attachment)
- August 9, 2016. Tripartite meeting with INAC regional office and HQ, Nova Scotia province, and Mi'kmaw Family and Children Services Agency in Eskasoni, NS. Meetings focused on the provincial legislative changes and the impacts on the agency's operations and the revised budget the agency had to submit to INAC for additional funding support (which was approved). Immediate relief was also addressed. Note: Mi'kmaw Family and Children Services Agency holds the tripartite meeting minutes (no attachment)

In Yukon:

- April 13, 2016. Manager from INAC's Yukon Regional Office met with the of Director Family and Children's Services Branch, Government of Yukon to discuss the additional funding for new or enhanced CFS prevention programs (no attachment)
- Week of August 8, 2016. Follow up meeting with a Manager from INAC's Yukon Regional Office, the Government of Yukon's Director of Family and Children's Services Branch, Assistant Deputy Minister, Corporate Services and Manager, Cost Recovery (no attachment)
- October 14, 2016. Meetings with various representatives and regional INAC staff on opportunities for prevention pilot projects; CFS Agency-level data sharing; funding support/cost sharing for Case Management Systems, and options for regional engagement (no attachment)

In Saskatchewan:

- Discussions are forthcoming.

In Prince Edward Island:

- Discussions are forthcoming.

Other:

Discussions with the First Nations Family Caring Society and the Assembly of First Nations on the Tribunal Decision are outlined below. Much of the focus of the discussions has been on establishing the National Advisory Committee (and its Terms of Reference) as a forum to provide advice on the engagement process and the reform of the program.

- February 11, 2016. Face-to-face meeting
- April 29, 2016. Face-to-face meeting
- May 12, 2016. Teleconference call
- May 25, 2016. Teleconference call
- June 7, 2016. Face-to-face meeting
- July 28, 2016. Face-to-face meeting
- August 5, 2016. Teleconference call

The First Nations Family Caring Society has also communicated with the Minister's Office on a range of issues related to the Tribunal decision, both through correspondence and in-person meetings. These communications are not captured here.

A two-day in-person meeting with the Minister's Special Representative, appointed by the Minister of Indigenous and Northern Affairs to lead the engagement process, took place on September 14 and 15 (**Annex H**).

Jordan's Principle

(Relevant attachments for regional meetings, in addition to the descriptions below, are included as **Annex I**)

Headquarters

- May 9, 2016. Assistant Deputy Ministers for HC and INAC sent a joint letter to Provinces and Territories with respect to Canada's acceptance of the January 26, 2016 decision and the need to engage in the reform of the First Nations Child and Family Services Program and in implementing Jordan's Principle.
- June 9, 2016. Assistant Deputy Ministers for HC and INAC met with Interlocutor for First Nations and Métis Relations, Government of Saskatchewan, to discuss the engagement process and how it aligns with other federal priorities for Indigenous People. This meeting was an opportunity to discuss how INAC and Health Canada are working in partnership with other government departments and various stakeholders on Jordan's Principle and Child and Family Services.
- July 6, 2016. Assistant Deputy Ministers for HC and INAC sent a letter to Provinces and Territories to inform them of the news release that provided further details on the revised application of Jordan's Principle. The letter also emphasized the need to engage to discuss next steps.

In the Atlantic:

- July 5, 2016. Primary Care Update – Presentation to Health Directors.
- July 5-6, 2016. Meeting of APC Regional Health Directors.
- July 7, 2016. Presented to Atlantic Health Directors Meeting, and All Chiefs Forum.

- August 4, 2016. Health Canada's Atlantic Regional Executive followed up with info package.
- August 24, 2016. Met with Chief, First Nation Co-Chair, Assembly of First Nations Health Partners, to agree on next steps.
- August 29, 2016. (Nova Scotia) Presented Jordan's Principle-Child First Initiative to the Health Committee of the Canada-NS-Mi'kmaq Tripartite Forum. Included provincial representatives from Aboriginal Affairs and Health.
- September 1, 2016. Presented to Atlantic First Nations Health Partnership's (AFNHP) Public Health and Primary Care Committee (no attachment) and (September 15) NIHB Committee.
- September 9, 2016. Convened special Atlantic First Nations Health Partnership teleconference to present Jordan's Principle-Child First Initiative and Service Coordination function.
- September 15, 2016. Presentation to the Non-Insured Health Benefits Committee on Jordan's Principle.
- September 20, 2016. Held regular Atlantic First Nations Health Partnership f-2-f meeting including an agenda item on Jordan's Principle-Child First Initiative focusing on making a decision on Service Coordination implementation in region.
- September 28, 2016. Presented Jordan's Principle-Child First Initiative to Atlantic All Chiefs and Councils meeting.
- October 6, 2016. Health Canada (Newfoundland) presented JP-CFI to Innu Round Table including provincial officials from Aboriginal Affairs, Child and Family Service, and Health.
- October 12, 2016 – Health Canada (PEI) presented JP-CFI at Canada-PEI-Mi'kmaq Health Policy and Planning Forum and the Child and Family Services Policy and Planning Forum. Provincial Child and Family Services, Health, and Aboriginal Affairs officials in attendance.

In Quebec:

- April 25, 2016. Bilateral meeting on Jordan's Principle – Child First Initiative between INAC and First Nations of Quebec and Labrador Health and Social Services Commission. (no attachment)
- May 2, 2016. Regional Roundtable meeting with First Nations Child and Family Service agencies, the Commission, and Quebec's ministère de la Santé et Services Sociaux (MSSS) on Canadian Human Rights Tribunal, Jordan's Principle and formula funding. (no attachment)

- July 11, 2016. FNIHB-QC Regional Executive connected with INAC-QC Regional Director on engagement strategy. (no attachment)
- July 19, 2016. FNIHB-QC Regional Executive held discussions with the First Nations of Quebec and Labrador Health and Social Services Commission (FNQLHSSC) Director General and INAC-HQ Regional Director. (no attachment)
- July 27, 2016. FNIHB-QC Regional Executive had call with INAC-QC Regional Director and the Ministère de la Santé et des Services Sociaux (MSSS) Associate Deputy Minister to present the new approach and engagement strategy. INAC-QC connected with the Secrétariat aux affaires autochtones Associate Deputy Minister during the same week. (no attachment)
- August, 2016:
 - o Connected with regional partners (INAC, First Nations of Quebec and Labrador Health and Social Services Commission (FNQLHSSC or "la Commission"), Ministère de la Santé et des Services sociaux, Province). (no attachment)
 - o Bilateral discussions on Jordan's Principle engagement. (no attachment)
- September 19, 2016. Bilateral discussion between FNIHB-QC Regional Executive and the FNQLHSSC Director General about engagement, service coordination and the role the FNQLHSSC want to play. (no attachment)
- September 21, 2016. FNIHB-QC Regional Executive presented the initiative and associated funding to First Nations Health Directors Network of Quebec. (no attachment)
- September 22, 2016. Meeting between FNIHB-QC and INAC-QC staff to discuss programs involved with Jordan's Principle. (no attachment)
- September 22, 2016. INAC/Health Canada/Province presentation on Jordan's Principle – Child First Initiative. (JP overview presentation)
- September 28, 2016. Meeting with Ministère de la Santé et des Services sociaux, Health Canada, and INAC (Quebec Region) on Jordan's Principle and regional needs. (JP overview presentation)
- September 30, 2016. Meeting with Ministère de la Santé et des Services sociaux and INAC to discuss child and family services engagement and Jordan's Principle. (JP overview presentation)
- September 30, 2016. Meeting with FNIHB-QC, INAC-QC and Tshakapesh, an institute that serves the Innus of the Basse Côte Nord with learning programs and services. (no attachment)

- October 4, 2016. Meeting with Ministère de la Santé et des Services sociaux and INAC to discuss child and family services engagement and Jordan's Principle – Child First Initiative. (no attachment)
- October 6, 2016. Meeting with Health Canada, INAC (Quebec Region), and *Commission en Éducation des Premières Nations* (CEPN) (no attachment)
- October 11, 2016. Discussion between Regional Executive (Health Canada) and First Nations of Quebec and Labrador Health and Social Services Commission on the role it wants to play, the use of regional funding and next steps (no attachment)
- October 12, 2016. Discussion between FNIHB-QC Regional Executive and the FNQLHSSC Board of Directors about the use of funding and deployment of the strategy in the region.
- October 26, 2016. First tripartite meeting between the partners to create a Coordination Committee. (no attachment)

In Ontario:

- July 7, 2016. First Nations and Inuit Health Branch presented to Chiefs of Ontario (COO), Social, Health, Education & Justice (SHE&J) Committee on Jordan's Principle. (JP overview presentation)
 - July 22, 2016. First Nations and Inuit Health Branch presented to Chiefs of Ontario Health Coordination Unit (HCU) on Jordan's Principle. (no attachment)
 - August 16, 2106. Discussion on Jordan's Principle at INAC-HC Joint Workplan meeting; identified areas for ongoing collaboration. (no attachment)
 - September 7, 2016. First Nations and Inuit Health Branch presented to Trilateral First Nations Health Senior Officials Committee (TFNHSOC) Mental Health & Addictions Working Group (MHAWAG) on Jordan's Principle-Child First Initiative and identified gap in medical transportation to treatment facilities not on provincial Drug and Alcohol Registry of Treatment list. (no attachment)
- October 6, 2016. First Nations and Inuit Health Branch presented to Independent First Nations (IFN) on Jordan's Principle – Child First Initiative and requested input/feedback on methods to obtaining/evaluating what type and level unmet needs.
- October 6, 2016. Discussion with province, Ministry of Health and Long Term Care, on future collaboration between their Jordan's Principle projects and federal Jordan's Principle. Further discussion scheduled for late October. (no attachment)

- October 18, 2016. First Nations and Inuit Health Branch to present to Chiefs of Ontario Health Coordination Unit to discuss Service Coordinator and options for implementation.
*SHE(J) is a committee made up of Social, Health, Education Directors of the PTO's/Independent First Nations. The justice director from COO also participates. The group networks and shares information on common issues, including but not limited to children/youth issues, gaps in services, and research such as the Regional Health Survey and First Nations Regional Early Childhood, Education and Employment Survey. The province and First Nations and Inuit Health Branch are invited to participate at these meetings and share information on their initiatives. The committee has proven to be a successful venue to make recommendations that are supported by technicians for all units to the Chiefs and to formulate and relay common messages to all government departments.

Chiefs of Ontario Health Coordination Unit is comprised of a representative (Health Director) from each of the five First Nation Provincial/Territorial Organizations in Ontario and staff from Chiefs of Ontario. They are the leading First Nations engagement partner for First Nations and Inuit Health Branch Ontario.

Trilateral First Nations Health Senior Officials Committee (TFNHSOC) and the Mental Health and Addictions Working Group (MHAWAG) are comprised of Health Canada, INAC, the provincial ministries of Health and Long Term Care and the ministry of Child and Youth Services as well as members of the Chiefs of Ontario Health Coordination Unit.

IFN is an organization made up of the 12 independent First Nations in Ontario

In Manitoba:

- June 27, 2016. Meeting of First Nations Child and Family Services Regional Advisory Committee. Jordan's Principle – Child First Initiative was discussed. (no attachment)
- July, 2016:
 - o Meeting of Regional Advisory discussed Jordan's Principle – Child First Initiative - Assembly of Manitoba Chiefs, Southern Chiefs, province (no attachment)
- July & August 2016. Health Canada conducted an Environmental Scan through the Home Care Program which was sent to all 63 communities to identify children with needs. 80% of communities responded. (no attachment)
- August 1, 2016. Health Canada met with Dakota Plains by teleconference to discuss Jordan's Principle. (no attachment)
- September 16, 2016. INAC invited to participate in Health Canada meeting with Specialized Services for Children and Youth. Provincially funded organization.

- September 26, 2016. Meeting with multi-sectoral working group on Jordan's Principle (Terms of Reference Officials Working Group) includes First Nation, provincial and federal partners. Initial engagement discussion and how to coordinate service delivery between all partners. (no attachment)
- September 2016. The First Nations Child and Family Services program engagement discussions and planning at the regional advisory committee have included Jordan's Principle – Child First Initiative. INAC has received a proposal from the Assembly of Manitoba Chiefs to lead the First Nations Child and Family Services regional engagement activities, Jordan's Principle – Child First Initiative engagement activities are recognized in this proposal. The proposal highlights the need to have ongoing communications between the two engagement processes to ensure linkage are identified and addressed. (no attachment)
- September/October 2016. Health Canada engagement meetings at First Nations community level: (no attachments)
 - o Manto Sipi – September 13, 2016
 - o Wuskwi Siphk – September 21, 2016
 - o Pinaymootang – September 12, 2016
 - o Waywayseecapo – October 4, 2016
 - o Poplar River – October 6, 2016
 - o Four Arrows Regional Health - October 12, 2016
 - o West Region Tribal Health – October 25, 2016
 - o Tootinawaziibeeng – October 27, 2016
 - o Lake St. Martin – October 28, 2016
- September 23, 2016. Health Canada engagement with First Nations and Inuit Health Branch Children and Youth Advisory Committee. (no attachment)
- September 26, 2016. Meeting with multi-sectoral working group on Jordan's Principle (Terms of Reference Officials Working Group) includes First Nation, provincial and federal partners. Initial engagement discussion and how to coordinate service delivery between all partners. (no attachment)
- October 18-20, 2016 - Regional meeting with Health Directors, Public Health, Home & Community Care Nurses (one day to focus on JP-CFI initiatives).

In Saskatchewan

** All session in Saskatchewan used the Jordan's Principle presentation, and the Fact Sheet attached in Annex I.*

- August 10, 2016. Regional Executive (Health Canada) met Federation of Sovereign Indigenous Nations (FSIN) Vice Chief, Health and Social Development Secretariat regarding new approach, and Region's proposal to fund Early Childhood Intervention Program agencies to coordinate Jordan's Principle – Child First Initiative in Saskatchewan (response was generally positive). Federation of Sovereign Indigenous Nations proposed reinstituting former tripartite Joint Working Group to address implementation of new approach.

- August 12, 2016. First Nations and Inuit Health Branch and INAC met with provincial reps from Interlocutor of First Nations and Metis Relations, and Ministries of Health, Social Services, and Education re: new approach. Two provincial leads were identified for Jordan's Principle – Child First Initiative and provincial reps agreed to seek mandate to participate in former tripartite Joint Working Group. Provincial reps expressed support for using established agencies to deliver Enhanced Service Coordination.
- August 30, 2016. First Nations and Inuit Health Branch presented to Senior Technical Advisory Group (STAG, health directors) who created committee of Health Directors/ Federation of Sovereign Indigenous Nations staff to engage in bilateral discussions with First Nations and Inuit Health Branch (with intention of engaging Province and INAC to reinstitute tripartite Joint Working Group). Health Directors need more detailed discussion re: Enhanced Service Coordination before endorsing Early Childhood Intervention Program agencies to fulfill those roles.
- August 2016. First Nations and Inuit Health Branch presented to First Nations Indian Child and Family Service (ICFS) directors who proposed to have Indian Child and Family Service reps on new First Nations Jordan's Principle – Child First Initiative committee and bilateral implementation discussions with First Nations and Inuit Health Branch -Saskatchewan.
- September 12, 2016. Kinistin. Attended the Parent and Child Fall Celebration with information.
- September 13 and 14, 2016. Saskatchewan Indian Institute of Technologies Home Visiting class. Spend an hour discussing services.
- September 21, 2016. Yorkton Tribal Council with Parkland, Southeast Cornerstone and Regina Early Childhood Intervention Program.
- September 22, 2016. Peter Ballantyne Cree Nation Pelican Narrows.
- September 29, 2016. Ministries of Education and Social Services, the Office of the Provincial Interlocutor and Government Relations, and Executive Council.

In Alberta:

- July 7, 2016. All Chiefs sent communication re: Jordan's Principle – Child First Initiative funding announcement.
- July 20, 2016. Discussion with provincial Assistant Deputy Minister's: Justice, Health, Education, Aboriginal Relations, Human Services. (no attachment)
- August 8, 2016. Director of Nursing sent out communication to all Health staff (Health Directors, Nurse Managers).

- August 11, 2016. Regional Executive (Health Canada) met with the Treaty 7 organization and Health Directors.
- August 23, 2016. Health Canada and INAC met with the three Grand Chiefs (Treaty 6, 7, and 8). (no attachment)
- August 24, 2016. Regional Executive (Health Canada) met with the Treaty 6 organization.
- September 6, 2016. Regional Executive (Health Canada) met with the Treaty 8 organization.
- September 12, 2016. Regional Collaborative Service Delivery Meeting.
- September 27, 2016. Discussion at Mental Health/Addictions Health Co-Management Subcommittee meeting.
- September 28, 2016. Further meetings with Treaty 8 Chief Executive Officer and Health Director and Treaty 8 Health Commission meeting.
- September 2016. Discussion at Non-Insured Health Benefits Health Co-Management Subcommittee meeting.
- October 5, 2016. Meeting with Alberta Assistant Deputy Minister of Human Services and other provincial partners to discuss and understand provincial "normative standard".
- October 5, 2016. Presentation and dialogue at Health Co-Management Co-Chairs Subcommittee meeting.
- October 6, 2016. Presentation and dialogue at regional Child and Family Services Engagement Process: Senior Officials Steering Committee.
- October 11, 2016. First Nations and Inuit Health Branch and INAC presentation and dialogue at Regional Middle Managers Committee.
- October 11, 2016. Discussion at Health Co-Management Children & Youth Subcommittee meeting.
- October 13, 2016. In Camera Dialogue at Health Co-Management Meeting regarding Enhanced Service Coordination function.
- October 26, 2016. (Deferred from October 14, 2016) Presentation and dialogue at a Special Health Co-Management meeting.

In British Columbia:

- June 15-16, 2016. Quarterly Bilateral Accountability Framework meeting between Ministry of Child and Family Development, and INAC discussed Jordan's Principle – Child First Initiative. (no attachment)
- September 29, 2016. Ministry of Child and Family Development, *Knucwentwecw* Society, and INAC discuss Jordan's Principle– Child First Initiative. (no attachment)
- September 28, 2016. First Nations Health Authority (FNHA): conference call to discuss initial steps that begin to link FNHA with INAC and subsequently Health Canada regarding role that FNHA has in administration of Jordan's Principle – Child First Initiative. (no attachment)
- October 4, 2016. Ministry of Child and Family Development, *St'at'imx* Health Council, and INAC – overview of Jordan's Principle– Child First Initiative. (no attachment)
- Dates To Be Determined: Tripartite Working Group (INAC, Ministry of Children and Family Development and First Nations Leadership Council) has identified in its DRAFT Action Framework a commitment to work together to ensure full implementation of Jordan's Principle in BC. (no attachment)

In Yukon:

- September 16, 2016: Jordan's Principle – Child First Initiative information shared by Health Canada with all territories at an Assistant Deputy Minister level meeting. (no attachment)
- September 26, 2016: Health Canada's Northern Regional Executive and INAC's Regional Director General met with Government of Yukon and Council for Yukon First Nations to discuss next steps with respect to the implementation of Jordan's Principle – Child First Initiative. Discussions will be ongoing. (no attachment)

b. A response indicating its views on the request that it reimburse costs for travel to access physician-prescribed special needs services and assessments, special needs rehabilitative and support services and respite care, and support for families in crisis as part of immediate relief investments in Ontario

INAC is working with the province of Ontario and First Nations leadership and other partners to review INAC's support for child and family services through the 1965 Agreement. Discussions to-date have focused on the flow of immediate relief investments, where an agreement was reached with INAC, the province of Ontario and the Chiefs of Ontario that investments should focus on prevention.

Future discussions will include examining the available supports provided by the province under its *Child and Family Services Act* and the needs of First Nations children on reserve.

c. A response indicating its views on dealing with the infrastructure needs of FNCFS Agencies as part of immediate relief investments in Ontario

INAC is working with the province of Ontario and First Nations leadership and other partners to review INAC's support for child and family services through the 1965 Agreement. Discussions to-date with the province of Ontario and First Nations leadership have focused on immediate relief investments. Future work will include a review of the impact of the 1975 expiry of federal cost-sharing for infrastructure within the 1965 Agreement with Ontario. As noted above, in Section 2 C, as part of the engagement and reform process, INAC will review the information provided by FNCFS agencies in response to its October 28 letter, and continue national and regional discussions, to develop a longer-term response to infrastructure needs.

d. A response indicating its views on the request to expand the eligibility requirements of the 1965 Agreement as part of immediate relief investments in Ontario

On the issue of children 'entitled to be registered,' INAC would clarify that the Department's Ontario Region, as part of determining payment under the 1965 Agreement, includes children who may not be registered but who may be entitled to be registered. This is intended to address the requirements of clause 1 (1) (b) of the 1965 Agreement. While this issue does not appear to have any impact on services provided to First Nation children by provincially-funded agencies, INAC will further explore these issues as part of the engagement and reform process.

INAC is working with the province of Ontario and First Nations leadership and other partners to fully review INAC's support for child and family services through the 1965 Agreement.

e. A response indicating its views on the request that it conduct a special study on the application of the 1965 Agreement in Ontario

INAC's view is that part of the reform process needs to determine "the adequacy of the 1965 Agreement in achieving comparability of services; culturally appropriate services that account for historical disadvantage; and, ensuring the best interest of the child are paramount" (September 14, 2016 ruling, paragraph 103), as outlined in the findings of the Tribunal. INAC is working with the province of Ontario and First Nations leadership and other partners to look specifically at INAC's support for child and family services through the application of the 1965 Agreement, with discussions to-date focusing on immediate relief investments for 2016-17.

f. A response indicating if it is agreeable to providing funds for the CCI Parties' participation in the upcoming in-person case management meeting and any subsequent meetings

INAC will reimburse travel costs, according to Treasury Board standards, for client participants who work with an organization outside of Ottawa to travel to Ottawa to attend in-person case management meetings.

THIS IS EXHIBIT 6 TO THE
AFFIDAVIT OF Denise Stonefish
SWORN Dec 16, 2016
[Signature]
A COMMISSIONER ETC.



Indigenous and
Northern Affairs Canada

Affaires autochtones
et du Nord Canada



Released under the Access
to Information Act

Communiqué en vertu de la
Loi sur l'accès à
l'information
Ontario

Ministry of Children and
Youth Services

Ministère des Services
à l'enfance et à la jeunesse

December 2, 2016

Isadore Day
Ontario Regional Chief
Chiefs of Ontario
111 Peter Street, Suite 804
TORONTO ON M5H 2H1

Dear Regional Chief Day:

Re: Immediate Relief Funding for Child Welfare Prevention in First Nations

Thank you for your letter dated November 18, 2016, regarding the distribution of Canada's immediate relief funding for First Nations child and family services prevention activities in Ontario.

We concur fully with your request to work together to finalize the allocation amounts to the twelve grant recipient First Nations and Indigenous Representative Organizations (Provincial-Territorial Organizations), and to find a path forward on how to best communicate on these issues, including between the Chiefs of Ontario (COO), the Province of Ontario, Indigenous and Northern Affairs Canada (INAC), and other First Nations partners as appropriate.

In respect of the distribution of immediate relief funding, your letter of October 13, 2016, outlined COO's request to use the Casino Rama formula as the distribution model for dispersal of the Immediate Relief funds. That letter also attached a draft spreadsheet titled: "Application of OFNLP Formula for Distribution of Immediate Relief to Ontario First Nations, 2016" which contained *"the distribution of \$5.8M pursuant to that formula."*

On September 22, 2016, we all agreed that the \$5.8M was to be spent on prevention services for First Nation children and families and that such prevention funding must be directed at activities that "all parties agree constitute prevention for First Nation children on reserve."

In her letter of September 19, 2016, Ms. Linda Sandy (formerly Ense), Director of Social Services, had set out COO's recommendation on the distribution of the immediate relief funds, stating that: *"We stress that this recommendation is for distribution for this fiscal year's funding only. We look forward to ongoing further discussion in which we can fine tune the approach to distribution and allocation..."* We understood from Ms. Sandy's letter that all parties agree that this is a one-time solution to a pressing issue, and is not to be taken as setting a precedent for the next fiscal year.

.../2

- 2 -

INAC wrote to the communities listed in COO's draft spreadsheet in order to provide them with information about the process. We understand now that the spreadsheet was a draft. We regret any misunderstanding that has been caused. The provision of information from the spreadsheet to the six communities that are not *Indian Act* bands does not reflect any change in the federal government's position with respect to recognition or funding of these communities.

All of us wish to keep this process moving as quickly as possible and we agree as set out in your letter of November 18, 2016, that it is acceptable to distribute funds through the Indigenous Representative Organizations and Independent First Nations. We understand that COO will be providing the updated figures this week to MCYS and INAC. Please note that funding will not be released by Ontario until confirmation of final community amounts is received. In addition, INAC has a total budget of \$30,000 to allocate among the grant recipients to assist with costs of distributing the funds this year.

In terms of next steps, INAC has up to a total of \$150,000 available this year to support the activities of the members of the tripartite Child and Family Services Working Group. Distribution of these funds can be discussed at the next working group meeting.


As we move forward, we would also like to discuss program reform options for longer-term changes to the delivery of First Nations child and family services.

We trust this information is of assistance, and look forward to continuing to work with you. Together, we can and will make real changes for children and families in Ontario.

Sincerely,



Anne Scotton
Regional Director General
Indigenous and Northern Affairs Canada



Darryl Sturtevant
Assistant Deputy Minister
Ontario Ministry of Children and Youth Services

c.c.: Political Confederacy
First Nations Social Services Coordination Unit
INAC and MCYS Working Group participants

THIS IS EXHIBIT H TO THE
AFFIDAVIT OF Denise Stonefith
SWORN Dec - 16, 2016
[Signature]
A COMMISSIONER ETC.

Secretariat Office
111 Peter Street, Suite 804
Toronto, ON M5V 2H1
416-597-1266
www.chiefs-of-ontario.org



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Loi sur l'accès à
l'information*

Political Office
236 Frontenac Street
Batchewana First Nation, ON
P6A 6Z1
705-254-1477

December 5, 2016

To

Regional Director General of Ontario Region Anne Scotton
Indigenous and Northern Affairs Canada

Email: anne.scotton@aandc.gc.ca

And

Assistant Deputy Minister Darryl Sturtevant
Ministry of Children and Youth Services, Ontario

Email: darryl.sturtevant@ontario.ca

Re: Distribution of immediate relief prevention funds, 2016-17

Dear Ms. Scotton and Mr. Sturtevant:

Thank you for your letter dated December 2, 2016. We again welcome the progress in the distribution of immediate relief funding for child welfare prevention, although it has taken longer than anticipated. As indicated in previous letters, our First Nations in Ontario are in need of these dollars and the funds must be forwarded as soon as possible. We have attached a spreadsheet which contains, from Chiefs of Ontario (COO)'s perspective, finalized numbers of allocations among First Nations. We have checked our calculations with Ontario First Nations Limited Partnership (OFNLP) for accuracy, there were some minor corrections and refinements, which has resulted in the finalization of the attached spreadsheet.

Firstly, we appreciate the Indigenous and Northern Affairs (INAC)'s acknowledgement that they sent the letter prematurely to the First Nations utilizing the numbers from the draft spreadsheet. **We would request that INAC provide corrected letters to the First Nations, with the acknowledgment that the funding amounts you previously communicated were not final and that the numbers on the attached spreadsheet are utilized.**

Secondly, we wish for INAC to clarify the following:

- The mention in your letter dated December 2, 2016. COO did not participate in any decision that the "new" funding was to be used for *prevention only* in First Nations. INAC made that decision unilaterally and communicated it to us in a letter dated May 9, 2016. We trust that you will be clear in your communications and add that **COO did not participate in, nor was COO consulted about, the 2016-2017 budget funds being directed toward prevention services.** Nevertheless, COO agrees that if INAC has decided that the funding is directed toward prevention, that it should be used for prevention services by the recipients.

- In reference to the other funding offered, we would like to receive further information on what these dollars are to be utilized for.

(a) For the \$30,000, it states "to allocate among the grant recipients to assist with costs of distributing the funds this year." We are clarifying that this is intended to **alleviate the administrative costs for PTOs and other groups** in distributing the \$5.83M budget investments and is available to those groups.

(b) For the \$150,000, it states that "to support the activities of the members of the tripartite Child and Family Services Working Group." We are clarifying that this is directed at **funding COO and the Social Services Coordination Unit's participation in the meetings** to discuss funding for future fiscal years as well as other matters relating to the provision of Child and Family services.

- We also expect that you will clarify to Nishnawbe Aski Nation (NAN) First Nations that **NAN will be distributing funding according to its own processes.**

Lastly, we hope to see these 2016-2017 budget funds distributed soon but remind you that we need to be involved in order to ensure that the messaging to First Nations is correct and appropriate. We welcome the opportunity to participate in joint communications to the PTOs and other funding recipients.

We look forward to your response on the above. Should you have any follow up questions, please contact Linda Sandy, Linda.Sandy@coo.org, COO Social Services Director.

Sincerely,
CHIEFS OF ONTARIO



Isadore Day, Wiindawtegowinini
Ontario Regional Chief

CC: Political Confederacy
Provincial Territorial Organizations
Working Group on Child and Family Services for Ontario First Nations
Social Services Coordinating Unit

CANADIAN HUMAN RIGHTS TRIBUNAL

B E T W E E N:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA AND
ASSEMBLY OF FIRST NATIONS**

Complainants

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

**ATTORNEY GENERAL OF CANADA
(representing the Minister of Indigenous and Northern Affairs Canada)**

Respondent

- and -

**CHIEFS OF ONTARIO
AMNESTY INTERNATIONAL CANADA and
NISHNAWBE ASKI NATION**

Interested Parties

AFFIDAVIT OF MARIE WILSON

I, Marie Wilson, of the City of Yellowknife, in the Northwest Territories, affirm and say as follows:

1. In 2009, I was appointed as one of the three Commissioners chosen to lead the Truth and Reconciliation Commission of Canada (the "TRC"), mandated to reveal and document the complex history and ongoing legacy of the so-called "Indian residential

schools” in Canada. The TRC was mandated to facilitate truth-telling about the residential school experience, and lead the country in a process of ongoing healing and reconciliation within Aboriginal families, and between Aboriginal peoples and non-Aboriginal communities, churches, governments, and Canadians generally. Our TRC mandate, as supervised by the courts, specifically articulated the need for “commitment from all those affected including First Nations, Inuit and Métis former Indian Residential School (IRS) students, their families, communities, religious entities, former school employees, government and the people of Canada”. On June 2, 2015 the TRC delivered an executive summary of its conclusions, including 94 Calls to Action. On December 15, 2015, the TRC delivered its final report, and re-stated its 94 concluding Calls to Action. The first five of those Calls to Action are about Child Welfare. The very first one is specifically about the numbers of Aboriginal children in care. The TRC reports and Calls to Action can be found on the TRC website at www.trc.ca.

2. In the course of my work with the TRC, I learned about the Complainants’ case at the Canadian Human Rights Tribunal (the “**Tribunal**”). While I am not intimately familiar with the case, I am aware that the Tribunal ruled in favour of the Complainants in January 2016 and determined that the federal government is discriminating against First Nations children on reserve and in the Yukon in its delivery of child welfare services. I am also aware that the Tribunal has ordered the federal government to cease its discriminatory practice, and that the Complainants have now brought a motion for non-compliance, seeking declarations and immediate relief.

3. I affirm this affidavit in support of the First Nations Child and Family Caring Society’s motion for non-compliance and immediate relief. As a Commissioner of the TRC, I personally bore witness to fifteen hundred statements made to the Truth and Reconciliation Commission. Many were from those who grew up as children in the foster care system as it currently exists. I also heard from hundreds of parents with children taken into care. As such, I have knowledge of the matters to which I herein depose.

Where my statements are based on information and belief, I have so stated and where so stated, I believe those statements to be true.

4. The purpose of this affidavit is to provide the Tribunal with an overview of the themes and touchpoints from stories I heard related to Indigenous children in care and those who survived that experience – not as a way to retell any one individual's story but to recount the shared experiences of Indigenous children who have come into contact with the child welfare system. This affidavit also provides insight into the TRC's Child Welfare Calls to Action. In my view, it is essential that the federal government immediately act to remedy the discrimination facing Indigenous children who are coming into contact with the child welfare system.

Overview of the TRC's Stories Related to Children in Foster Care.

5. Over the course of our six and a half years of work, the TRC recorded statements from approximately seven thousand people. At the time of the court settlement that created the TRC, there were an estimated 80 thousand residential school 'survivors', making this a much larger sampling than the norms for representative sampling, and a very substantial reflection of school experiences from every region of Canada. Such a volume of recorded statements made it possible to recognize the large, recurring story lines, and, in my view, impossible to doubt or deny the glaring themes of harm that surfaced from coast to coast to coast. These were themes of fear, loss, humiliation, shame, anger, and identity crisis.

6. Going into the hearings, I was braced to hear accounts of sexual abuse. I imagined we would hear that this was the worst thing that happened to children in the school system. But that was not the case. Over and over again we heard that the worst part was the rupture from family and home and everything and everyone familiar and cherished. This rupture was the worst, and the most universal. This was a very important revelation because it underscored a critical issue about the legacy of residential schools: that even though the schools have been closed throughout the country for two decades now, we as

a country have never stopped the practice of removing Indigenous children from their homes and communities and placing them in state-sponsored care. We do this in hugely disproportionate numbers compared to the Indigenous percentage in the population, and in larger numbers than in the days of residential schools. As we have said in the TRC report, in this regard, the child welfare system may be considered a continuation of, or a replacement for, the residential school system.

7. Not all those who spoke to the TRC were residential schools survivors. Many were 'intergenerational survivors': those whose parents or grandparents went to residential school and who inherited from these relatives the same kinds of experiences which they had had as children. As a result, their own parents did not raise many of these intergenerational survivors. The children were removed from them, just as they had been removed from their own parents before, and instead of residential schools they were put into foster care.

8. I heard many times the same kinds of messages: that although they did not go to residential school, they shared similar experiences;

- their parents did not raise them;
- they were taken away from family, culture, identity;
- they lost their ability to trust anyone;
- they did not know they were poor when they were little because they had love and they had a family and that was all that mattered;
- the day they remember most vividly was the day they were taken away from home;
- they did not want to leave;
- they blamed their parents, because they did not understand why they could not take care of them;

- they ended up not knowing their own brothers and sisters;
- they were not treated well in the home where they were placed;
- they were not treated the way the family's own kids were treated, and in some cases, they were abused in the home and there was nowhere they could turn for help;
- they felt like they did not fit in anywhere;
- they grew up disparaging native people because they spent their life with white people who looked down on natives;
- they started to think that way too, looking down on their own people;
- when they finally made it back they felt rejected by the community because they did not know the people, the culture or the language;
- they did not know where they belonged and felt they didn't fit in anywhere; that they hated their mother, hated white people, hated everyone, hated themselves;
- they spent their whole life trying to find their way home;
- they turned to alcohol and drugs as medicine to bury the pain of how lost and rejected they felt;
- they looked for love in all the wrong places because they wanted to feel that somebody loved them;
- they bought booze for others so that somebody would hang around with them; and
- only when they began to get help from elders, and started to learn their ceremonies and language and culture were they finally able to start healing.

9. And conversely, from the parents I heard that the worst day of their life was the day their children were taken away from them; that as Indigenous women they live in fear of having their children taken away. And for many, that their greatest regret is the way they raised their children because of the way that they were raised; and that their greatest hope is that things will be different and better for their grandchildren.

Call to Action Number One: Child Welfare

10. After hundreds of community hearings, seven national events, and analysis of millions of archival records and commissioned research, the TRC drew its conclusions. I and my fellow Commissioners zeroed in on 94 specific Calls to Action, grouping them into two sequential categories: **Legacy** (1-42) and **Reconciliation** (43-94). We were intentional in making the first five (5) Calls to Action to be specifically about Child Welfare. This was to shed a focused and prominent light on the fact that the harms of residential schools happened to children; that the greatest perceived damage to them, in their own words, was their removal from home and family; and that the legacy of residential schools is not only continuing, but getting worse, through increasing numbers of child apprehensions through the child welfare system. For these reasons, first and foremost, Call to Action number one is about the imperative of reducing the number of Aboriginal children in care, and the means for getting there:

1. We call upon the federal, provincial, territorial and Aboriginal governments to commit to reducing the number of Aboriginal children in care by:

- i. Monitoring & assessing neglect investigations.
- ii. Providing adequate resources to enable Aboriginal communities and child welfare organizations to keep Aboriginal families together where it is safe to do so, and to keep children in culturally appropriate environments, regardless of where they reside.

iii. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the history and impacts of residential schools.

iv. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the potential for Aboriginal communities and families to provide more appropriate solutions to family healing.

v. Requiring that all child-welfare decision makers consider the impact of the residential school experience on children and their care-givers.

11. Calls to Action two (2) through five (5) touch on the need to prepare and publish annual reports on the numbers of Aboriginal children in care compared to non-Aboriginal children; to fully implement Jordan's Principle; to enact Aboriginal child-welfare legislation that establishes national standards for Aboriginal child apprehension and custody cases; and to develop culturally appropriate parenting programs for Aboriginal families.

12. In addition to the Legacy Calls to Action pertaining to Child Welfare, we also articulated child welfare goals in the subsequent section of Reconciliation Calls to Action. Call to Action fifty-five (55) underscores the importance of creating and tracking honest measurements of the numbers of Indigenous children still being apprehended and why, and the support being provided for them, based on comparative spending in prevention and care:

55. We call upon all levels of government to provide annual reports or any current data requested by the National Council for Reconciliation so that it can report on the progress towards reconciliation. The reports or data would include, but not limited to:

- i. The number of Aboriginal children in care - including Metis and Inuit children - compared with non-Aboriginal children, the reasons for apprehension, and the total spending on preventive and care services by child-welfare agencies.
13. A copy of the Truth and Reconciliation Commission of Canada: Calls to Action is attached hereto as **Exhibit "A"**.
14. On June 11, 2008, in the Canadian House of Commons, the sitting Prime Minister of Canada made a Statement of Apology in the presence of the leaders of all national Indigenous organizations. The leaders from all national political parties made similar formal apologies. These apologies all acknowledged the harms caused to residential school survivors and their children and families. The Prime Minister stated, in part, as follows:

To the approximately 80,000 living former students, and all family members and communities, the Government of Canada now recognizes that it was wrong to forcibly remove children from their homes and we apologize for having done this. We now recognize that it was wrong to separate children from rich and vibrant cultures and traditions that it created a void in many lives and communities, and we apologize for having done this. We now recognize that, in separating children from their families, we undermined the ability of many to adequately parent their own children and sowed the seeds for generations to follow, and we apologize for having done this. We now recognize that, far too often, these institutions gave rise to abuse or neglect and were inadequately controlled, and we apologize for failing to protect you. Not only did you suffer these abuses as children, but as you became parents, you were powerless to protect your own children from suffering the same experience, and for this we are sorry.

The burden of this experience has been on your shoulders for far too long. The burden is properly ours as a Government, and as a country. There is no place in Canada for the attitudes that inspired the Indian Residential Schools system to ever prevail again. You have been working on recovering from this experience for a long time and in a very real sense, we are now joining you on this journey. The Government of Canada sincerely apologizes and asks the forgiveness of the Aboriginal peoples of this country for failing them so profoundly.

level of support and care, we are breaking our national promise made on behalf of all Canadians.

17. In my view, it is imperative that the child welfare system, which is driving Indigenous children into foster care at disproportionate rates, be immediately addressed. I have learned firsthand that children who are severed from their families will forever carry with them a lasting and detrimental sense of loss, along with other negative issues that may change the course of their lives. The Indigenous children who are living under the current system cannot wait any longer for the system to be addressed – the time for action is now.

Sworn/affirmed before me at the City of)
Yellowknife, in the Northwest)
Territories, on this 18th day of)
December 2016)

Commissioner for taking affidavits, etc.

Larry D. Innes
Barrister + Solicitor


MARIE WILSON

**EXHIBIT "A" TO THE AFFIDAVIT OF MARIE WILSON
AFFIRMED BEFORE ME ON THE 18TH OF DECEMBER, 2016**



Commissioner of Taking Affidavits Etc.

Larry D. Jones
Barister Solicitor



**Truth and
Reconciliation**
Commission of Canada

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Truth and Reconciliation Commission of Canada: Calls to Action

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Truth and Reconciliation Commission of Canada: Calls to Action

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2015

Truth and Reconciliation Commission of Canada, 2012
1500-360 Main Street
Winnipeg, Manitoba
R3C 3Z3
Telephone: (204) 984-5885
Toll Free: 1-888-872-5554 (1-888-TRC-5554)
Fax: (204) 984-5915
E-mail: info@trc.ca
Website: www.trc.ca

Calls to Action

In order to redress the legacy of residential schools and advance the process of Canadian reconciliation, the Truth and Reconciliation Commission makes the following calls to action.

Legacy

CHILD WELFARE

1. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to reducing the number of Aboriginal children in care by:
 - i. Monitoring and assessing neglect investigations.
 - ii. Providing adequate resources to enable Aboriginal communities and child-welfare organizations to keep Aboriginal families together where it is safe to do so, and to keep children in culturally appropriate environments, regardless of where they reside.
 - iii. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the history and impacts of residential schools.
 - iv. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the potential for Aboriginal communities and families to provide more appropriate solutions to family healing.
 - v. Requiring that all child-welfare decision makers consider the impact of the residential school experience on children and their caregivers.
2. We call upon the federal government, in collaboration with the provinces and territories, to prepare and

publish annual reports on the number of Aboriginal children (First Nations, Inuit, and Métis) who are in care, compared with non-Aboriginal children, as well as the reasons for apprehension, the total spending on preventive and care services by child-welfare agencies, and the effectiveness of various interventions.

3. We call upon all levels of government to fully implement Jordan's Principle.
4. We call upon the federal government to enact Aboriginal child-welfare legislation that establishes national standards for Aboriginal child apprehension and custody cases and includes principles that:
 - i. Affirm the right of Aboriginal governments to establish and maintain their own child-welfare agencies.
 - ii. Require all child-welfare agencies and courts to take the residential school legacy into account in their decision making.
 - iii. Establish, as an important priority, a requirement that placements of Aboriginal children into temporary and permanent care be culturally appropriate.
5. We call upon the federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate parenting programs for Aboriginal families.

EDUCATION

6. We call upon the Government of Canada to repeal Section 43 of the *Criminal Code of Canada*.
7. We call upon the federal government to develop with Aboriginal groups a joint strategy to eliminate

educational and employment gaps between Aboriginal and non-Aboriginal Canadians.

8. We call upon the federal government to eliminate the discrepancy in federal education funding for First Nations children being educated on reserves and those First Nations children being educated off reserves.
9. We call upon the federal government to prepare and publish annual reports comparing funding for the education of First Nations children on and off reserves, as well as educational and income attainments of Aboriginal peoples in Canada compared with non-Aboriginal people.
10. We call on the federal government to draft new Aboriginal education legislation with the full participation and informed consent of Aboriginal peoples. The new legislation would include a commitment to sufficient funding and would incorporate the following principles:
 - i. Providing sufficient funding to close identified educational achievement gaps within one generation.
 - ii. Improving education attainment levels and success rates.
 - iii. Developing culturally appropriate curricula.
 - iv. Protecting the right to Aboriginal languages, including the teaching of Aboriginal languages as credit courses.
 - v. Enabling parental and community responsibility, control, and accountability, similar to what parents enjoy in public school systems.
 - vi. Enabling parents to fully participate in the education of their children.
 - vii. Respecting and honouring Treaty relationships.
11. We call upon the federal government to provide adequate funding to end the backlog of First Nations students seeking a post-secondary education.
12. We call upon the federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate early childhood education programs for Aboriginal families.

LANGUAGE AND CULTURE

13. We call upon the federal government to acknowledge that Aboriginal rights include Aboriginal language rights.

14. We call upon the federal government to enact an Aboriginal Languages Act that incorporates the following principles:

- i. Aboriginal languages are a fundamental and valued element of Canadian culture and society, and there is an urgency to preserve them.
- ii. Aboriginal language rights are reinforced by the Treaties.
- iii. The federal government has a responsibility to provide sufficient funds for Aboriginal-language revitalization and preservation.
- iv. The preservation, revitalization, and strengthening of Aboriginal languages and cultures are best managed by Aboriginal people and communities.
- v. Funding for Aboriginal language initiatives must reflect the diversity of Aboriginal languages.

15. We call upon the federal government to appoint, in consultation with Aboriginal groups, an Aboriginal Languages Commissioner. The commissioner should help promote Aboriginal languages and report on the adequacy of federal funding of Aboriginal-languages initiatives.

16. We call upon post-secondary institutions to create university and college degree and diploma programs in Aboriginal languages.

17. We call upon all levels of government to enable residential school Survivors and their families to reclaim names changed by the residential school system by waiving administrative costs for a period of five years for the name-change process and the revision of official identity documents, such as birth certificates, passports, driver's licenses, health cards, status cards, and social insurance numbers.

HEALTH

18. We call upon the federal, provincial, territorial, and Aboriginal governments to acknowledge that the current state of Aboriginal health in Canada is a direct result of previous Canadian government policies, including residential schools, and to recognize and implement the health-care rights of Aboriginal people as identified in international law, constitutional law, and under the Treaties.

19. We call upon the federal government, in consultation with Aboriginal peoples, to establish measurable goals to identify and close the gaps in health outcomes

Royal Canadian Mounted Police to investigate crimes in which the government has its own interest as a potential or real party in civil litigation.

between Aboriginal and non-Aboriginal communities, and to publish annual progress reports and assess long-term trends. Such efforts would focus on indicators such as: infant mortality, maternal health, suicide, mental health, addictions, life expectancy, birth rates, infant and child health issues, chronic diseases, illness and injury incidence, and the availability of appropriate health services.

20. In order to address the jurisdictional disputes concerning Aboriginal people who do not reside on reserves, we call upon the federal government to recognize, respect, and address the distinct health needs of the Métis, Inuit, and off-reserve Aboriginal peoples.
21. We call upon the federal government to provide sustainable funding for existing and new Aboriginal healing centres to address the physical, mental, emotional, and spiritual harms caused by residential schools, and to ensure that the funding of healing centres in Nunavut and the Northwest Territories is a priority.
22. We call upon those who can effect change within the Canadian health-care system to recognize the value of Aboriginal healing practices and use them in the treatment of Aboriginal patients in collaboration with Aboriginal healers and Elders where requested by Aboriginal patients.
23. We call upon all levels of government to:
 - i. Increase the number of Aboriginal professionals working in the health-care field.
 - ii. Ensure the retention of Aboriginal health-care providers in Aboriginal communities.
 - iii. Provide cultural competency training for all health-care professionals.
24. We call upon medical and nursing schools in Canada to require all students to take a course dealing with Aboriginal health issues, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, and Indigenous teachings and practices. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

JUSTICE

25. We call upon the federal government to establish a written policy that reaffirms the independence of the

26. We call upon the federal, provincial, and territorial governments to review and amend their respective statutes of limitations to ensure that they conform to the principle that governments and other entities cannot rely on limitation defences to defend legal actions of historical abuse brought by Aboriginal people.
27. We call upon the Federation of Law Societies of Canada to ensure that lawyers receive appropriate cultural competency training, which includes the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.
28. We call upon law schools in Canada to require all law students to take a course in Aboriginal people and the law, which includes the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.
29. We call upon the parties and, in particular, the federal government, to work collaboratively with plaintiffs not included in the Indian Residential Schools Settlement Agreement to have disputed legal issues determined expeditiously on an agreed set of facts.
30. We call upon federal, provincial, and territorial governments to commit to eliminating the overrepresentation of Aboriginal people in custody over the next decade, and to issue detailed annual reports that monitor and evaluate progress in doing so.
31. We call upon the federal, provincial, and territorial governments to provide sufficient and stable funding to implement and evaluate community sanctions that will provide realistic alternatives to imprisonment for Aboriginal offenders and respond to the underlying causes of offending.
32. We call upon the federal government to amend the Criminal Code to allow trial judges, upon giving reasons, to depart from mandatory minimum sentences and restrictions on the use of conditional sentences.

33. We call upon the federal, provincial, and territorial governments to recognize as a high priority the need to address and prevent Fetal Alcohol Spectrum Disorder (FASD), and to develop, in collaboration with Aboriginal people, FASD preventive programs that can be delivered in a culturally appropriate manner.
34. We call upon the governments of Canada, the provinces, and territories to undertake reforms to the criminal justice system to better address the needs of offenders with Fetal Alcohol Spectrum Disorder (FASD), including:
 - i. Providing increased community resources and powers for courts to ensure that FASD is properly diagnosed, and that appropriate community supports are in place for those with FASD.
 - ii. Enacting statutory exemptions from mandatory minimum sentences of imprisonment for offenders affected by FASD.
 - iii. Providing community, correctional, and parole resources to maximize the ability of people with FASD to live in the community.
 - iv. Adopting appropriate evaluation mechanisms to measure the effectiveness of such programs and ensure community safety.
35. We call upon the federal government to eliminate barriers to the creation of additional Aboriginal healing lodges within the federal correctional system.
36. We call upon the federal, provincial, and territorial governments to work with Aboriginal communities to provide culturally relevant services to inmates on issues such as substance abuse, family and domestic violence, and overcoming the experience of having been sexually abused.
37. We call upon the federal government to provide more supports for Aboriginal programming in halfway houses and parole services.
38. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to eliminating the overrepresentation of Aboriginal youth in custody over the next decade.
39. We call upon the federal government to develop a national plan to collect and publish data on the criminal victimization of Aboriginal people, including data related to homicide and family violence victimization.

40. We call on all levels of government, in collaboration with Aboriginal people, to create adequately funded and accessible Aboriginal-specific victim programs and services with appropriate evaluation mechanisms.
41. We call upon the federal government, in consultation with Aboriginal organizations, to appoint a public inquiry into the causes of, and remedies for, the disproportionate victimization of Aboriginal women and girls. The inquiry's mandate would include:
 - i. Investigation into missing and murdered Aboriginal women and girls.
 - ii. Links to the intergenerational legacy of residential schools.
42. We call upon the federal, provincial, and territorial governments to commit to the recognition and implementation of Aboriginal justice systems in a manner consistent with the Treaty and Aboriginal rights of Aboriginal peoples, the *Constitution Act, 1982*, and the *United Nations Declaration on the Rights of Indigenous Peoples*, endorsed by Canada in November 2012.

Reconciliation

CANADIAN GOVERNMENTS AND THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLE

43. We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation.
44. We call upon the Government of Canada to develop a national action plan, strategies, and other concrete measures to achieve the goals of the *United Nations Declaration on the Rights of Indigenous Peoples*.

ROYAL PROCLAMATION AND COVENANT OF RECONCILIATION

45. We call upon the Government of Canada, on behalf of all Canadians, to jointly develop with Aboriginal peoples a Royal Proclamation of Reconciliation to be issued by the Crown. The proclamation would build on the Royal Proclamation of 1763 and the Treaty of Niagara of 1764, and reaffirm the nation-to-nation relationship between Aboriginal peoples and the Crown. The proclamation would include, but not be limited to, the following commitments:

- i. Repudiate concepts used to justify European sovereignty over Indigenous lands and peoples such as the Doctrine of Discovery and *terra nullius*.
 - ii. Adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation.
 - iii. Renew or establish Treaty relationships based on principles of mutual recognition, mutual respect, and shared responsibility for maintaining those relationships into the future.
 - iv. Reconcile Aboriginal and Crown constitutional and legal orders to ensure that Aboriginal peoples are full partners in Confederation, including the recognition and integration of Indigenous laws and legal traditions in negotiation and implementation processes involving Treaties, land claims, and other constructive agreements.
46. We call upon the parties to the Indian Residential Schools Settlement Agreement to develop and sign a Covenant of Reconciliation that would identify principles for working collaboratively to advance reconciliation in Canadian society, and that would include, but not be limited to:
- i. Reaffirmation of the parties' commitment to reconciliation.
 - ii. Repudiation of concepts used to justify European sovereignty over Indigenous lands and peoples, such as the Doctrine of Discovery and *terra nullius*, and the reformation of laws, governance structures, and policies within their respective institutions that continue to rely on such concepts.
 - iii. Full adoption and implementation of the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation.
 - iv. Support for the renewal or establishment of Treaty relationships based on principles of mutual recognition, mutual respect, and shared responsibility for maintaining those relationships into the future.
 - v. Enabling those excluded from the Settlement Agreement to sign onto the Covenant of Reconciliation.
 - vi. Enabling additional parties to sign onto the Covenant of Reconciliation.

47. We call upon federal, provincial, territorial, and municipal governments to repudiate concepts used to justify European sovereignty over Indigenous peoples and lands, such as the Doctrine of Discovery and *terra nullius*, and to reform those laws, government policies, and litigation strategies that continue to rely on such concepts.

SETTLEMENT AGREEMENT PARTIES AND THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

48. We call upon the church parties to the Settlement Agreement, and all other faith groups and interfaith social justice groups in Canada who have not already done so, to formally adopt and comply with the principles, norms, and standards of the *United Nations Declaration on the Rights of Indigenous Peoples* as a framework for reconciliation. This would include, but not be limited to, the following commitments:
- i. Ensuring that their institutions, policies, programs, and practices comply with the *United Nations Declaration on the Rights of Indigenous Peoples*.
 - ii. Respecting Indigenous peoples' right to self-determination in spiritual matters, including the right to practise, develop, and teach their own spiritual and religious traditions, customs, and ceremonies, consistent with Article 12:1 of the *United Nations Declaration on the Rights of Indigenous Peoples*.
 - iii. Engaging in ongoing public dialogue and actions to support the *United Nations Declaration on the Rights of Indigenous Peoples*.
 - iv. Issuing a statement no later than March 31, 2016, from all religious denominations and faith groups, as to how they will implement the *United Nations Declaration on the Rights of Indigenous Peoples*.
49. We call upon all religious denominations and faith groups who have not already done so to repudiate concepts used to justify European sovereignty over Indigenous lands and peoples, such as the Doctrine of Discovery and *terra nullius*.

EQUITY FOR ABORIGINAL PEOPLE IN THE LEGAL SYSTEM

50. In keeping with the *United Nations Declaration on the Rights of Indigenous Peoples*, we call upon the federal government, in collaboration with Aboriginal organizations, to fund the establishment of Indigenous law institutes for the development, use, and

iv. Promote public dialogue, public/private partnerships, and public initiatives for reconciliation.

understanding of Indigenous laws and access to justice in accordance with the unique cultures of Aboriginal peoples in Canada.

51. We call upon the Government of Canada, as an obligation of its fiduciary responsibility, to develop a policy of transparency by publishing legal opinions it develops and upon which it acts or intends to act, in regard to the scope and extent of Aboriginal and Treaty rights.
52. We call upon the Government of Canada, provincial and territorial governments, and the courts to adopt the following legal principles:
 - i. Aboriginal title claims are accepted once the Aboriginal claimant has established occupation over a particular territory at a particular point in time.
 - ii. Once Aboriginal title has been established, the burden of proving any limitation on any rights arising from the existence of that title shifts to the party asserting such a limitation.

NATIONAL COUNCIL FOR RECONCILIATION

53. We call upon the Parliament of Canada, in consultation and collaboration with Aboriginal peoples, to enact legislation to establish a National Council for Reconciliation. The legislation would establish the council as an independent, national, oversight body with membership jointly appointed by the Government of Canada and national Aboriginal organizations, and consisting of Aboriginal and non-Aboriginal members. Its mandate would include, but not be limited to, the following:
 - i. Monitor, evaluate, and report annually to Parliament and the people of Canada on the Government of Canada's post-apology progress on reconciliation to ensure that government accountability for reconciling the relationship between Aboriginal peoples and the Crown is maintained in the coming years.
 - ii. Monitor, evaluate, and report to Parliament and the people of Canada on reconciliation progress across all levels and sectors of Canadian society, including the implementation of the Truth and Reconciliation Commission of Canada's Calls to Action.
 - iii. Develop and implement a multi-year National Action Plan for Reconciliation, which includes research and policy development, public education programs, and resources.
54. We call upon the Government of Canada to provide multi-year funding for the National Council for Reconciliation to ensure that it has the financial, human, and technical resources required to conduct its work, including the endowment of a National Reconciliation Trust to advance the cause of reconciliation.
55. We call upon all levels of government to provide annual reports or any current data requested by the National Council for Reconciliation so that it can report on the progress towards reconciliation. The reports or data would include, but not be limited to:
 - i. The number of Aboriginal children—including Métis and Inuit children—in care, compared with non-Aboriginal children, the reasons for apprehension, and the total spending on preventive and care services by child-welfare agencies.
 - ii. Comparative funding for the education of First Nations children on and off reserves.
 - iii. The educational and income attainments of Aboriginal peoples in Canada compared with non-Aboriginal people.
 - iv. Progress on closing the gaps between Aboriginal and non-Aboriginal communities in a number of health indicators such as: infant mortality, maternal health, suicide, mental health, addictions, life expectancy, birth rates, infant and child health issues, chronic diseases, illness and injury incidence, and the availability of appropriate health services.
 - v. Progress on eliminating the overrepresentation of Aboriginal children in youth custody over the next decade.
 - vi. Progress on reducing the rate of criminal victimization of Aboriginal people, including data related to homicide and family violence victimization and other crimes.
 - vii. Progress on reducing the overrepresentation of Aboriginal people in the justice and correctional systems.
56. We call upon the prime minister of Canada to formally respond to the report of the National Council for Reconciliation by issuing an annual "State of Aboriginal Peoples" report, which would outline the government's plans for advancing the cause of reconciliation.

PROFESSIONAL DEVELOPMENT AND TRAINING FOR PUBLIC SERVANTS

57. We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

CHURCH APOLOGIES AND RECONCILIATION

58. We call upon the Pope to issue an apology to Survivors, their families, and communities for the Roman Catholic Church's role in the spiritual, cultural, emotional, physical, and sexual abuse of First Nations, Inuit, and Métis children in Catholic-run residential schools. We call for that apology to be similar to the 2010 apology issued to Irish victims of abuse and to occur within one year of the issuing of this Report and to be delivered by the Pope in Canada.
59. We call upon church parties to the Settlement Agreement to develop ongoing education strategies to ensure that their respective congregations learn about their church's role in colonization, the history and legacy of residential schools, and why apologies to former residential school students, their families, and communities were necessary.
60. We call upon leaders of the church parties to the Settlement Agreement and all other faiths, in collaboration with Indigenous spiritual leaders, Survivors, schools of theology, seminaries, and other religious training centres, to develop and teach curriculum for all student clergy, and all clergy and staff who work in Aboriginal communities, on the need to respect Indigenous spirituality in its own right, the history and legacy of residential schools and the roles of the church parties in that system, the history and legacy of religious conflict in Aboriginal families and communities, and the responsibility that churches have to mitigate such conflicts and prevent spiritual violence.
61. We call upon church parties to the Settlement Agreement, in collaboration with Survivors and representatives of Aboriginal organizations, to establish permanent funding to Aboriginal people for:
 - i. Community-controlled healing and reconciliation projects.

- ii. Community-controlled education and language-revitalization projects.
- iii. Community-controlled education and relationship-building projects.
- iv. Regional dialogues for Indigenous spiritual leaders and youth to discuss Indigenous spirituality, self-determination, and reconciliation.

EDUCATION FOR RECONCILIATION

62. We call upon the federal, provincial, and territorial governments, in consultation and collaboration with Survivors, Aboriginal peoples, and educators, to:
 - i. Make age-appropriate curriculum on residential schools, Treaties, and Aboriginal peoples' historical and contemporary contributions to Canada a mandatory education requirement for Kindergarten to Grade Twelve students.
 - ii. Provide the necessary funding to post-secondary institutions to educate teachers on how to integrate Indigenous knowledge and teaching methods into classrooms.
 - iii. Provide the necessary funding to Aboriginal schools to utilize Indigenous knowledge and teaching methods in classrooms.
 - iv. Establish senior-level positions in government at the assistant deputy minister level or higher dedicated to Aboriginal content in education.
63. We call upon the Council of Ministers of Education, Canada to maintain an annual commitment to Aboriginal education issues, including:
 - i. Developing and implementing Kindergarten to Grade Twelve curriculum and learning resources on Aboriginal peoples in Canadian history, and the history and legacy of residential schools.
 - ii. Sharing information and best practices on teaching curriculum related to residential schools and Aboriginal history.
 - iii. Building student capacity for intercultural understanding, empathy, and mutual respect.
 - iv. Identifying teacher-training needs relating to the above.
64. We call upon all levels of government that provide public funds to denominational schools to require such schools to provide an education on comparative religious studies, which must include a segment on

Aboriginal spiritual beliefs and practices developed in collaboration with Aboriginal Elders.

65. We call upon the federal government, through the Social Sciences and Humanities Research Council, and in collaboration with Aboriginal peoples, post-secondary institutions and educators, and the National Centre for Truth and Reconciliation and its partner institutions, to establish a national research program with multi-year funding to advance understanding of reconciliation.

YOUTH PROGRAMS

66. We call upon the federal government to establish multi-year funding for community-based youth organizations to deliver programs on reconciliation, and establish a national network to share information and best practices.

MUSEUMS AND ARCHIVES

67. We call upon the federal government to provide funding to the Canadian Museums Association to undertake, in collaboration with Aboriginal peoples, a national review of museum policies and best practices to determine the level of compliance with the *United Nations Declaration on the Rights of Indigenous Peoples* and to make recommendations.
68. We call upon the federal government, in collaboration with Aboriginal peoples, and the Canadian Museums Association to mark the 150th anniversary of Canadian Confederation in 2017 by establishing a dedicated national funding program for commemoration projects on the theme of reconciliation.
69. We call upon Library and Archives Canada to:
- i. Fully adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* and the *United Nations Joint-Orientlicher Principles*, as related to Aboriginal peoples' inalienable right to know the truth about what happened and why, with regard to human rights violations committed against them in the residential schools.
 - ii. Ensure that its record holdings related to residential schools are accessible to the public.
 - iii. Commit more resources to its public education materials and programming on residential schools.
70. We call upon the federal government to provide funding to the Canadian Association of Archivists to undertake, in collaboration with Aboriginal peoples, a national review of archival policies and best practices to:

- i. Determine the level of compliance with the *United Nations Declaration on the Rights of Indigenous Peoples* and the *United Nations Joint-Orientlicher Principles*, as related to Aboriginal peoples' inalienable right to know the truth about what happened and why, with regard to human rights violations committed against them in the residential schools.
- ii. Produce a report with recommendations for full implementation of these international mechanisms as a reconciliation framework for Canadian archives.

MISSING CHILDREN AND BURIAL INFORMATION

71. We call upon all chief coroners and provincial vital statistics agencies that have not provided to the Truth and Reconciliation Commission of Canada their records on the deaths of Aboriginal children in the care of residential school authorities to make these documents available to the National Centre for Truth and Reconciliation.
72. We call upon the federal government to allocate sufficient resources to the National Centre for Truth and Reconciliation to allow it to develop and maintain the National Residential School Student Death Register established by the Truth and Reconciliation Commission of Canada.
73. We call upon the federal government to work with churches, Aboriginal communities, and former residential school students to establish and maintain an online registry of residential school cemeteries, including, where possible, plot maps showing the location of deceased residential school children.
74. We call upon the federal government to work with the churches and Aboriginal community leaders to inform the families of children who died at residential schools of the child's burial location, and to respond to families' wishes for appropriate commemoration ceremonies and markers, and reburial in home communities where requested.
75. We call upon the federal government to work with provincial, territorial, and municipal governments, churches, Aboriginal communities, former residential school students, and current landowners to develop and implement strategies and procedures for the ongoing identification, documentation, maintenance, commemoration, and protection of residential school cemeteries or other sites at which residential school children were buried. This is to include the provision of

appropriate memorial ceremonies and commemorative markers to honour the deceased children.

76. We call upon the parties engaged in the work of documenting, maintaining, commemorating, and protecting residential school cemeteries to adopt strategies in accordance with the following principles:
 - i. The Aboriginal community most affected shall lead the development of such strategies.
 - ii. Information shall be sought from residential school Survivors and other Knowledge Keepers in the development of such strategies.
 - iii. Aboriginal protocols shall be respected before any potentially invasive technical inspection and investigation of a cemetery site.

NATIONAL CENTRE FOR TRUTH AND RECONCILIATION

77. We call upon provincial, territorial, municipal, and community archives to work collaboratively with the National Centre for Truth and Reconciliation to identify and collect copies of all records relevant to the history and legacy of the residential school system, and to provide these to the National Centre for Truth and Reconciliation.
78. We call upon the Government of Canada to commit to making a funding contribution of \$10 million over seven years to the National Centre for Truth and Reconciliation, plus an additional amount to assist communities to research and produce histories of their own residential school experience and their involvement in truth, healing, and reconciliation.

COMMEMORATION

79. We call upon the federal government, in collaboration with Survivors, Aboriginal organizations, and the arts community, to develop a reconciliation framework for Canadian heritage and commemoration. This would include, but not be limited to:
 - i. Amending the Historic Sites and Monuments Act to include First Nations, Inuit, and Métis representation on the Historic Sites and Monuments Board of Canada and its Secretariat.
 - ii. Revising the policies, criteria, and practices of the National Program of Historical Commemoration to integrate Indigenous history, heritage values, and memory practices into Canada's national heritage and history.

- iii. Developing and implementing a national heritage plan and strategy for commemorating residential school sites, the history and legacy of residential schools, and the contributions of Aboriginal peoples to Canada's history.

80. We call upon the federal government, in collaboration with Aboriginal peoples, to establish, as a statutory holiday, a National Day for Truth and Reconciliation to honour Survivors, their families, and communities, and ensure that public commemoration of the history and legacy of residential schools remains a vital component of the reconciliation process.
81. We call upon the federal government, in collaboration with Survivors and their organizations, and other parties to the Settlement Agreement, to commission and install a publicly accessible, highly visible, Residential Schools National Monument in the city of Ottawa to honour Survivors and all the children who were lost to their families and communities.
82. We call upon provincial and territorial governments, in collaboration with Survivors and their organizations, and other parties to the Settlement Agreement, to commission and install a publicly accessible, highly visible, Residential Schools Monument in each capital city to honour Survivors and all the children who were lost to their families and communities.
83. We call upon the Canada Council for the Arts to establish, as a funding priority, a strategy for Indigenous and non-Indigenous artists to undertake collaborative projects and produce works that contribute to the reconciliation process.

MEDIA AND RECONCILIATION

84. We call upon the federal government to restore and increase funding to the CBC/Radio-Canada, to enable Canada's national public broadcaster to support reconciliation, and be properly reflective of the diverse cultures, languages, and perspectives of Aboriginal peoples, including, but not limited to:
 - i. Increasing Aboriginal programming, including Aboriginal-language speakers.
 - ii. Increasing equitable access for Aboriginal peoples to jobs, leadership positions, and professional development opportunities within the organization.
 - iii. Continuing to provide dedicated news coverage and online public information resources on issues of concern to Aboriginal peoples and all Canadians,

including the history and legacy of residential schools and the reconciliation process.

85. We call upon the Aboriginal Peoples Television Network, as an independent non-profit broadcaster with programming by, for, and about Aboriginal peoples, to support reconciliation, including but not limited to:
 - i. Continuing to provide leadership in programming and organizational culture that reflects the diverse cultures, languages, and perspectives of Aboriginal peoples.
 - ii. Continuing to develop media initiatives that inform and educate the Canadian public, and connect Aboriginal and non-Aboriginal Canadians.
86. We call upon Canadian journalism programs and media schools to require education for all students on the history of Aboriginal peoples, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations.

SPORTS AND RECONCILIATION

87. We call upon all levels of government, in collaboration with Aboriginal peoples, sports halls of fame, and other relevant organizations, to provide public education that tells the national story of Aboriginal athletes in history.
88. We call upon all levels of government to take action to ensure long-term Aboriginal athlete development and growth, and continued support for the North American Indigenous Games, including funding to host the games and for provincial and territorial team preparation and travel.
89. We call upon the federal government to amend the Physical Activity and Sport Act to support reconciliation by ensuring that policies to promote physical activity as a fundamental element of health and well-being, reduce barriers to sports participation, increase the pursuit of excellence in sport, and build capacity in the Canadian sport system, are inclusive of Aboriginal peoples.
90. We call upon the federal government to ensure that national sports policies, programs, and initiatives are inclusive of Aboriginal peoples, including, but not limited to, establishing:
 - i. In collaboration with provincial and territorial governments, stable funding for, and access to, community sports programs that reflect the diverse

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cultures and traditional sports activities of
Aboriginal peoples.

- ii. An elite athlete development program for Aboriginal athletes.
 - iii. Programs for coaches, trainers, and sports officials that are culturally relevant for Aboriginal peoples.
 - iv. Anti-racism awareness and training programs.
91. We call upon the officials and host countries of international sporting events such as the Olympics, Pan Am, and Commonwealth games to ensure that Indigenous peoples' territorial protocols are respected, and local Indigenous communities are engaged in all aspects of planning and participating in such events.

BUSINESS AND RECONCILIATION

92. We call upon the corporate sector in Canada to adopt the *United Nations Declaration on the Rights of Indigenous Peoples* as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources. This would include, but not be limited to, the following:
 - i. Commit to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects.
 - ii. Ensure that Aboriginal peoples have equitable access to jobs, training, and education opportunities in the corporate sector, and that Aboriginal communities gain long-term sustainable benefits from economic development projects.
 - iii. Provide education for management and staff on the history of Aboriginal peoples, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills based training in intercultural competency, conflict resolution, human rights, and anti-racism.

NEWCOMERS TO CANADA

93. We call upon the federal government, in collaboration with the national Aboriginal organizations, to revise the information kit for newcomers to Canada and its citizenship test to reflect a more inclusive history of the diverse Aboriginal peoples of Canada, including

information about the Treaties and the history of
residential schools.

94. We call upon the Government of Canada to replace the
Oath of Citizenship with the following:

I swear (or affirm) that I will be faithful and bear true
allegiance to Her Majesty Queen Elizabeth II, Queen
of Canada, Her Heirs and Successors, and that I
will faithfully observe the laws of Canada including
Treaties with Indigenous Peoples, and fulfill my
duties as a Canadian citizen.

*Released under the Access
to Information Act
Communiqué en vertu de la
Loi sur l'Accès à
l'information*

*Released under the Access
to Information Act
Communiqué en vertu de la
Loi sur l'Accès à
l'information*

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to Information Act
Communiqué en vertu de la
Loi sur l'Accès à
l'information*

Truth and Reconciliation Commission of Canada

1500-360 Main Street
Winnipeg, Manitoba
R3C 3Z3

Telephone: (204) 984-5885

Toll Free: 1-888-872-5554 (1-888-TRC-5554)

Fax: (204) 984-5915

E-mail: info@trc.ca

Website: www.trc.ca

A0455839_30-000944

**EXHIBIT "B" TO THE AFFIDAVIT OF MARIE WILSON
AFFIRMED BEFORE ME ON THE 18TH OF DECEMBER, 2016**



Commissioner of Taking Affidavits Etc.

Larry D. Jones
Barrister & Solicitor

Statement of Apology – to former students of Indian Residential Schools

The treatment of children in Indian Residential Schools is a sad chapter in our history.

For more than a century, Indian Residential Schools separated over 150,000 Aboriginal children from their families and communities. In the 1870's, the federal government, partly in order to meet its obligation to educate Aboriginal children, began to play a role in the development and administration of these schools. Two primary objectives of the Residential Schools system were to remove and isolate children from the influence of their homes, families, traditions and cultures, and to assimilate them into the dominant culture. These objectives were based on the assumption Aboriginal cultures and spiritual beliefs were inferior and unequal. Indeed, some sought, as it was infamously said, "to kill the Indian in the child". Today, we recognize that this policy of assimilation was wrong, has caused great harm, and has no place in our country.

One hundred and thirty-two federally-supported schools were located in every province and territory, except Newfoundland, New Brunswick and Prince Edward Island. Most schools were operated as "joint ventures" with Anglican, Catholic, Presbyterian or United Churches. The Government of Canada built an educational system in which very young children were often forcibly removed from their homes, often taken far from their communities. Many were inadequately fed, clothed and housed. All were deprived of the care and nurturing of their parents, grandparents and communities.

First Nations, Inuit and Métis languages and cultural practices were prohibited in these schools. Tragically, some of these children died while attending residential schools and others never returned home.

The government now recognizes that the consequences of the Indian Residential Schools policy were profoundly negative and that this policy has had a lasting and damaging impact on Aboriginal culture, heritage and language. While some former students have spoken positively about their experiences at residential schools, these stories are far overshadowed by tragic accounts of the emotional, physical and sexual abuse and neglect of helpless children, and their separation from powerless families and communities.

The legacy of Indian Residential Schools has contributed to social problems that continue to exist in many communities today.

It has taken extraordinary courage for the thousands of survivors that have come forward to speak publicly about the abuse they suffered. It is a testament to their resilience as individuals and to the strength of their cultures. Regrettably, many former students are not with us today and died never having received a full apology from the Government of Canada.

The government recognizes that the absence of an apology has been an impediment to healing and reconciliation. Therefore, on behalf of the Government of Canada and all

Canadians, I stand before you, in this Chamber so central to our life as a country, to apologize to Aboriginal peoples for Canada's role in the Indian Residential Schools system.

To the approximately 80,000 living former students, and all family members and communities, the Government of Canada now recognizes that it was wrong to forcibly remove children from their homes and we apologize for having done this. We now recognize that it was wrong to separate children from rich and vibrant cultures and traditions that it created a void in many lives and communities, and we apologize for having done this. We now recognize that, in separating children from their families, we undermined the ability of many to adequately parent their own children and sowed the seeds for generations to follow, and we apologize for having done this. We now recognize that, far too often, these institutions gave rise to abuse or neglect and were inadequately controlled, and we apologize for failing to protect you. Not only did you suffer these abuses as children, but as you became parents, you were powerless to protect your own children from suffering the same experience, and for this we are sorry.

The burden of this experience has been on your shoulders for far too long. The burden is properly ours as a Government, and as a country. There is no place in Canada for the attitudes that inspired the Indian Residential Schools system to ever prevail again. You have been working on recovering from this experience for a long time and in a very real sense, we are now joining you on this journey.

The Government of Canada sincerely apologizes and asks the forgiveness of the Aboriginal peoples of this country for failing them so profoundly.

In moving towards healing, reconciliation and resolution of the sad legacy of Indian Residential Schools, implementation of the Indian Residential Schools Settlement Agreement began on September 19, 2007. Years of work by survivors, communities, and Aboriginal organizations culminated in an agreement that gives us a new beginning and an opportunity to move forward together in partnership. A cornerstone of the Settlement Agreement is the Indian Residential Schools Truth and Reconciliation Commission. This Commission presents a unique opportunity to educate all Canadians on the Indian Residential Schools system. It will be a positive step in forging a new relationship between Aboriginal peoples and other Canadians, a relationship based on the knowledge of our shared history, a respect for each other and a desire to move forward together with a renewed understanding that strong families, strong communities and vibrant cultures and traditions will contribute to a stronger Canada for all of us.

June 11, 2008

On behalf of the Government of Canada
The Right Honourable Stephen Harper,
Prime Minister of Canada

Docket: T1340/7008

CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and
ASSEMBLY OF FIRST NATIONS**

Complainants

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

ATTORNEY GENERAL OF CANADA
(Representing the Minister of Indigenous and Northern Affairs Canada)

Respondent

- and -

**CHIEFS OF ONTARIO,
AMNESTY INTERNATIONAL CANADA and
NISHNAWBE ASKI NATION**

Interested Parties

**NOTICE OF MOTION OF THE COMPLAINANT
FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA**

AFFIDAVIT OF CINDY BLACKSTOCK

I, Cindy Blackstock, of the City of Ottawa in the Province of Ontario, make oath and say
as follows:

1. I am the Executive Director of the First Nations Child and Family Caring Society (“Caring Society”), one of the complainants in the human rights complaint related to Canada’s racial discrimination against nearly 165,000 First Nations children for its inequitable funding for child welfare services and its failure to fully implement Jordan’s Principle. As such, I have knowledge of the matters herein deposed, except where stated that the matter is based on information and belief, and where so stated I believe the same to be true.
2. In addition to my position as the Executive Director of the Caring Society, I am also a Professor at McGill University School of Social Work.
3. I affirm this affidavit in support of the Caring Society’s motion for non-compliance, seeking declaratory and immediate relief for First Nations children living on reserve and in the Yukon.

My Reaction to the CHRT January Decision

4. On January 26, 2016 the Tribunal substantiated the Complaint and determined that the federal government’s provision of child welfare services and failure to implement Jordan’s Principle is discriminatory on the prohibited grounds of race and national ethnic origin. As I read the first words of *First Nations Child and Family Caring Society et al. v. Attorney General of Canada*, 2016 CHRT 2 (“the Decision”), “[t]his decision concerns children”, I felt an immense sense of relief and hope for this generation of First Nations children and those to follow.
5. The human rights case was filed on February 23, 2007. First Nations children, youth and their families waited 3259 days (8 years 11 months) for the Decision. The Tribunal found that Canada’s flawed and inequitable provision of First Nations child and family services is discriminatory and incentivizes the removal of First Nations children. This echoes the findings of reports dating back 16 years that I, among others, had been involved in. Most importantly the Decision affirmed the experience

of First Nations families who were seeing another wave of children being removed from their families due to deficits in culturally based family support services.

6. The Tribunal also determined that Canada has defined and implemented Jordan's Principle in a discriminatory manner. This affirmed the tragic, and in some cases life threatening, experience of many First Nations children resident on and off reserve who experienced service denials, delays and disruptions owing to federal government conduct relating to the child's First Nations status.
7. The Tribunal ordered Canada to immediately cease its discriminatory conduct. In my view, this order properly responded to the vital importance of immediately ending the discrimination given the unique developmental stages of children and the severity of the harm that the discrimination imposed.
8. As a Truth and Reconciliation Commission Honorary Witness, I expected Canada would learn from its role in the residential school tragedy by immediately and properly implementing the Decision. Such action would go a long way to satisfying the Truth and Reconciliation Commission's Calls to Action number 1 (child welfare) and 3 (Jordan's Principle).
9. As proffered during the hearing of the complaint before the Tribunal, in November 1907, the front page of the Ottawa Evening Citizen (now the Ottawa Citizen) newspaper revealed that Dr. Bryce, then Chief Medical Health Officer for Indian Affairs, found 25% of the children in residential schools were dying each year because the Government of Canada refused to address the conditions in the schools that aided the spread of the disease. The problem was worsened by Canada's refusal to provide equitable treatment for tuberculosis. Dr. Bryce continued to press for the life saving reforms despite active resistance and retaliation from Indian Affairs officials such as Duncan Campbell Scott. In 1922, Bryce published his pamphlet "A National Crime: being an appeal for justice for the Indians of Canada." Dr. Bryce's work inspired the title of Professor Milloy's book, an expert report filed at the

Tribunal, entitled "National Crime: the Canadian Government and the residential school system- 1879-1986."

10. In my view, Canada's failure to respond to the many reports documenting the inequalities in INAC's First Nations Child and Family Services Program (i.e.: Caldwell report (1967), Joint National Policy Review (2000), Wen:de reports (2005) and Auditor General of Canada (2008, 2011)) in ways that fully remediated the harms is tragically consistent with the Department's dismal reaction to Dr. Bryce's calls for life saving reforms. Canada's failure to comply with the Tribunal's orders demonstrates a continued lack of insight into the irrevocable harms experienced by First Nations children who are unnecessarily removed from their families due to wayward and unlawful federal government conduct.
11. Canada's ongoing discrimination related to its failure to comply with the Decision and the subsequent compliance orders has left me with a profound sense of sadness and worry about the safety and wellbeing of the children and their families. In my view, Canada's conduct does not live up to the high expectations that were set when the Prime Minister made a commitment to implement the Truth and Reconciliation Commission's Calls to Action or the joint announcement made by the Minister of Indigenous Affairs and the Attorney General of Canada on January 26, 2016 welcoming the Decision.
12. In honor of all of the First Nations and non-Indigenous persons who called on Canada to do better for First Nations children when it knew better, I felt an obligation to do everything I could to ensure the Decision is complied with and leads to real, meaningful changes for the nearly 165, 000 children and youth affected by it.

My Efforts to Help Canada Provide Immediate Relief Children

13. Dating back before the Decision was released and thereafter, the Caring Society has made multiple and sustained efforts to propose evidence based methods and

mechanisms to Canada to decrease the harm experienced by First Nations children and their families.

14. In anticipation of the Decision, on December 14, 2015, I wrote to Paula Isaak, Assistant Deputy Minister of INAC, regarding the information needs for the National Advisory Committee (“NAC”) so we could move forward with dispatch in establishing the committee. Attached as **Exhibit A** to this Affidavit is a copy of this letter.

15. I also prepared a series of accessible and user-friendly information sheets presenting immediate relief measures that Canada could undertake within a short timeframe to lessen the discriminatory impact of its First Nations child welfare program and fully implement Jordan’s Principle. The vast majority of these recommendations are recommended reforms presented by the Auditor General of Canada and in joint First Nations/INAC reports on child and family services and previously agreed to by INAC. These information sheets respectively titled “Action Reforms of Directive 20-1, the Enhanced Prevention Focused Approach, and the 1965 Indian Child Welfare Agreement” were posted on the Caring Society’s website on January 10, 2016. Attached as **Exhibit B** of this affidavit are these information sheets. In particular, the information sheets made the following recommendations which are relevant to the motion:

- a) Approve child in care related legal expenses as an eligible expense under the maintenance budget and increase the maintenance budget to cover such costs.
- b) Fund agency building renovations by qualified contractors where facility conditions pose a health and safety hazard.
- c) Approve costs related to the receipt and investigation of child maltreatment reports at actual costs pending further review.
- d) Replace the current operations registered child populations thresholds of 251, 501, 801 and 1000 in the operations formula with the recommended funding increments per every 25 children on reserve as recommended in Wen:de.

- e) Increase the per child amount for prevention from \$100 per child to \$200 per child.
 - f) Immediately update the schedule of the 1965 Indian Welfare Agreement to include the current provisions of child welfare statutes ensuring statutory requirements such as covering the costs of band representatives and prevention services.
16. On January 11, 2016, I personally wrote the Honorable Carolyn Bennett to recognize her appointment as Minister of Indigenous and Northern Affairs. In my letter, I urged Minister Bennett to act quickly to reform the FNCFS Program and referred her to the Caring Society's information sheets referred to in paragraph 15. Attached as **Exhibit C** to this affidavit is a copy of this letter.
17. On February 11, 2016, Mr. Jonathan Thompson of the Assembly of First Nations and I met with Paula Isaak, Assistant Deputy Minister at INAC of Education and Social Development Programs and Partnership Sector and Cassandra Lang, INAC Director of the Child and Families Directorate, to discuss the implementation of immediate relief for First Nations children. Following the meeting, on March 1, 2016, Ms. Isaak wrote to me regarding the establishment of the NAC. On March 2, 2016, I responded to this letter stating that immediate relief could be provided prior to recalling the NAC. In particular, I stated that while the Caring Society supports the reconstitution of a national table and the region tables to negotiate medium and longer-term reform, we take the position that the reconstitution of the national and regional tables is not required before immediate relief measures are put in place. I also added that the government's procedural considerations and convenience does not shield it from its human rights obligations towards First Nations children. Attached as **Exhibit D** to this affidavit is a copy of this letter.
18. Though both the Minister of Indigenous and Northern Affairs and the Minister of Justice stated on the day of the release of the Decision that they welcomed the findings of the Tribunal, I am unaware of any steps taken by Canada from January 26,

2016 until the release of Budget 2016 to attempt to comply with the Decision or relieve the discrimination experienced by First Nations children.

19. On March 22, 2016, I had the opportunity to take part in the media lock-up for Budget 2016. As I reviewed Canada's budget allocation for First Nations child and family services, I was surprised that only \$ 71 million had been allocated for First Nations child and family services for 2016/2017 and nothing was allocated for the implementation of Jordan's Principle. I failed to understand how the \$71 million could have been calculated. In my over 20 years of intense study of INAC's funding arrangements, including the reading of approximately 80,000 INAC documents, I have never seen a calculation pegging the shortfall for formal or substantive equality at \$ 71 million. In fact, the \$71 million in child welfare, which included funding for INAC, was well below the \$108.13 million estimated by Canada to be required in 2012 as documented in the August 29, 2012 presentation of Odette Johnson, then Director of the Children and Family Services Directorate, entitled "First Nations Child and Family Services Program: The Way Forward" which was tendered as evidence before the Tribunal.

20. As a part of the media budget lock-up, federal officials make themselves available to answer questions. It was at this event where Paula Isaak, ADM of INAC, explained that the \$71 million took account of additional funds that INAC recently provided for prevention services. I asked for more information on the prevention funds she was speaking about as to my knowledge INAC had not provided any additional prevention funding since 2010 when the last region was added to the EPFA regime. She could not provide any more details on the alleged new prevention funding that Budget 2016 accounted for. I also asked if the \$71 million included provisions for inflation losses. Ms. Isaak was unable to respond to my questions and has not followed up since other than to refer me to the Respondent's submissions to the Tribunal.

21. On March 31, 2016, after having spent more time analyzing the funding for child welfare services in the 2016 Budget, I met with Minister Bennett to discuss the

importance of implementing immediate relief for First Nations children. I expressed my disappointment that the amounts in Budget 2016 were developed without consultation with First Nations. I asked how the amounts were calculated and expressed my view that the \$ 71 million was insufficient to address the immediate relief requirements in the Tribunal's Decision. I urged her to review the Caring Society's information sheets to inform improvements to the Department's budget allocations. I further urged her to ensure the Department moved quickly to establish the National Advisory Committee and Regional tables to address matters relating to medium and long-term reform.

22. On May 2, 2016, I again met with Minister Bennett, Rick Theis, the Minister's Chief of Staff, Deputy Minister Hélène Laurendeau, Ms. Lang, Ms. Isaak, Mr. Thompson, Peter Dinsdale, then AFN CEO, and other INAC officials. I again reiterated my disappointment with Budget 2016. I again asked federal officials for a detailed calculation of Budget 2016 and the forecasts for future years and a response to my calculations of the shortfall. I did not receive a response. I also presented my own detailed calculations of the shortfall in funding for child welfare based on information available departmental data.
23. On September 21, 2016, I again met with Minister Bennett, Mr. Theis and another official from the Minister's office. During this meeting, I expressed concerns with Canada's failure to comply with the Tribunal's orders and Canada's failure to provide FNCFS Agencies with funding for cultural visioning (Touchstones of Hope model) so they could better cost out culturally based approaches to child welfare delivery. I also expressed concern about Canada's unilateral decision-making on Budget 2016 and Jordan's Principle and subsequent failure to meaningfully respond to legitimate questions the Caring Society had posed to understand these announcements. I also expressed my view that Canada's unilateral decision-making was out of step with the government's commitment to a "Nation to Nation" relationship with First Nations. I also noted, with concern, that Canada's submissions to the Tribunal indicated that INAC officials were relying on existing policies and authorities to delay the

implementation of the Tribunal's orders even though they had been ruled discriminatory.

24. I was very concerned reading the Respondent's September 30, 2016 compliance report to the Tribunal which clearly stated that the 2016 Budget was developed in the Fall of 2015 prior to the release of the Decision.

The Public's Reaction to and Expectations about the Case

25. I was constantly moved by the public interest in the case, particularly by children. This interest foretold the outpouring of public support and enthusiasm regarding the Decision after it was issued. I estimate that I personally received over 1000 messages, emails, phone calls and letters from people across Canada and around the world welcoming the Decision in the days and weeks following January 26, 2016. For example, on January 26, 2016, Chief Ron Evans from Norway House Cree Nation sent the Caring Society a letter thanking us for our work and congratulating us for the victory. Attached as **Exhibit E** of this affidavit is a copy of this letter.
26. In addition on March 10, 2016 I visited Walpole Island First Nations on Bkejwanong Territory thinking that I would visit the school and meet the students. When I arrived, the students surprised me with a celebration of the Tribunal's Decision. The school's walls had posters, thank you cards and cardboard hearts decorated by the students. One of the posters said "Thank you for caring for us Cindy. You are my hero." As I walked through the empty hallways, admiring the beautiful decorations, the children all ran out in unison, yelling "thank you" and then assembled in the school gym with their signs and pictures celebrating the decision. I was honored to meet with children as young as 5 years old who had participated in the celebration. When I thanked the students of Walpole Island for their support and reminded them of the collective effort so many had made to make the decision possible, I pledged that I would

continue to do everything I could to stop the discrimination affecting them. Attached as **Exhibit F** to this affidavit is a picture of the event.

27. On February 10, 2016, over 600 children participated in Have a Heart Day on Parliament Hill for First Nations children by writing letters to elected officials so First Nations children can grow up safely in their families, get a good education, be healthy and proud of who they are. Over 300 children who attended Have a Heart Day attended a luncheon later that day inside Parliament to celebrate the Tribunal's decision. The children read letters and sang songs and cut a cake in celebration of the decision. Across Canada, more than 5,500 Canadians celebrated Have a Heart Day in 2016. Attached to this affidavit as **Exhibits G** of this affidavit are pictures of the children at Have a Heart Day on Parliament Hill and of children cutting the cake honoring the Decision at the luncheon inside Parliament.

28. In May 2016, I visited Featherston Drive Public School in Ottawa to attend a celebration organised by the students in honor of the Decision. During the celebration, the students presented me with a poster entitled "What makes me a hero?". The poster features examples provided by the students of what being a hero means to them. The examples include stopping discrimination and inspiring children. Attached as **Exhibit H** to this affidavit is a picture of this poster which hangs in my office.

29. On June 6th, 2016, I visited the Pierre Elliot Trudeau School in Gatineau. Some of the students of the school come from Northern First Nations communities in Quebec. All of the students had closely followed the case and learned about the Decision in class. To mark the occasion, they organized a special party during which they prepared a lunch for the Caring Society's legal team and me. After the meal, the students presented me with a book they had made to thank me for my work with and for children. Attached as **Exhibit I** of this affidavit is a picture of the book.

30. On August 1, 2016, I attended the Jordan Principle's Parade in Norway House held every year in honor of Jordan River Anderson, founder of Jordan's Principle. Attached as **Exhibit J** to this affidavit are pictures of this event. The parade was extremely well attended by children and adults from the community, including members of Jordan's family, many of whom made hand-made floats honoring Jordan's Principle. There were prizes for the best dressed Jordan's Principle wheelchair, bike, stroller and teddy bear. After the parade, the community held a special ceremony to thank me, and others, for honoring Jordan's legacy.
31. On September 13, 2016, I attended the premiere screening of Alanis Obomsawin's documentary regarding the case entitled "We can't make the same mistake twice" at the Toronto International Film Festival ("TIFF"). The documentary was completely independent and I had no input into its content or production. I had also not seen any portion of the film prior to the TIFF Premiere with the exception of the publicly available film trailer. The premiere was sold out and was attended by over 450 people including Jordan River Anderson's sister and many children and youth. On November 21, 2016, the Caring Society hosted a viewing of the documentary at the Mayfair Theatre in Ottawa for over 250 elementary and secondary students, many of who had also attended the hearings. The documentary has been shown in Halifax, Sudbury, Gatineau, Vancouver, and Montreal and at the Imaginative Film and Media Art Festival in Toronto.
32. There are currently 15 238 registered witnesses for the "I am a Witness" campaign that encourages citizens and groups to follow the human rights case on First Nations child welfare and Jordan's Principle. Even though the hearing is over, the number of registered witnesses continues to grow and there is a great interest among registered witnesses in monitoring how Canada is responding to the findings of discrimination. I frequently receive emails, letters and messages from individuals and organisations inquiring about Canada's compliance with the Decision. Tragically, I also continue to regularly hear about the tragic impact that Canada's inequitable funding of child welfare services is having on children, families and communities. For example, on

July 7, 2016, I learned that the Mi'kmaw Family and Children's Services of Nova Scotia had a deficit of over \$ 2.5 million and was only receiving \$ 400,000 annually when I attended their annual general meeting. \$ 4 million is needed for immediate relief for that agency. Attached as **Exhibit K** to this affidavit is the statement of operations of Mi'kmaw Family and Children's Services of Nova Scotia dated March 31, 2016

Criticism of Canada's ongoing discrimination against First Nations children

33. On February 1, 2016, the Caring Society submitted a shadow report to the UN Committee on Economic, Social and Cultural Rights ("CESCR") for the purpose of its Sixth Periodic Review of Canada. Based on the Caring Society's submissions and those of other Canadian human rights organizations such as the Feminist Alliance for International Action and Amnesty International, the CESCR released its Concluding observations regarding Canada dated March 22, 2016 attached as **Exhibit L** to this affidavit. Relating to Canada's welfare services to First Nations children, the CESCR stated:

35. The Committee is concerned at the higher likelihood that indigenous children be placed in childcare institutions, which is further exacerbated by the inadequate funding for child welfare services to indigenous peoples living on reserves. The Committee is also concerned that African-Canadian children are overrepresented in childcare institutions (art. 10).

36. The Committee recommends that the State party:

(a) Review and increase its funding to family and child welfare services for indigenous peoples living on reserves and fully comply with the decision of the Canadian Human Rights Tribunal (January 2016) concerning the provision of family child welfare services to First Nations children and families living on reserves;

(b) Implement the recommendations of the Truth and Reconciliation Commission (2015) with regard to the Indian Residential Schools;

(c) Take effective measures to address the root causes of overrepresentation of African-Canadian children in care institutions.

34. On February 16, 2016, Chief Ron Ignace of the Skeetchestn Indian Band sent a letter to Prime Minister Trudeau in relation to the Calls to Action of the Truth and Reconciliation Commission regarding child welfare and the Decision. The letter urged the Prime Minister, as Minister of Youth, to take a leadership role in ensuring that Canada fully and immediately ends its discriminatory practices towards First Nations children and their families. Attached as **Exhibit M** to this affidavit is a copy of the letter.
35. On February 25, 2016, Debbie Pierre, Executive Director of the Office of Wet'Suwet'en First Nation, wrote a letter to Prime Minister Justice Trudeau urging him to take immediate action to reform its First Nations child welfare services. The letter noted that Wet'Suwet'en First Nation has developed an innovative and culturally appropriate wellness conceptual model to design, plan, implement and evaluate all services provided to their children, youth and families but that none of these initiatives was currently funded by the government. Attached as **Exhibit N** to this affidavit is a copy of this letter.
36. On September 13, 2016, Joseph Damaso, a Program Advisor at INAC British Columbia Region, sent an email to FNCFS Agency representatives containing notes from a meeting held on September 8, 2016 between representatives of FNCFS Agencies, and officials from the Ministry of Children and Family Development and INAC, a travel expense form and an information note on the child and family services immediate remedies methodology for 2016-2017 prepared by INAC. On December 13, 2016, Mary Teegee of Carrier-Sekani Child and Family Services forwarded me this email. Attached as **Exhibit O** to this affidavit is a copy of this email, as well as the attached notes from the meeting and the information note regarding the child and family services immediate remedies methodology for 2016-2017.
37. On October 6, 2016, Debra Foxcroft, president of the Nuuchahnulth Tribal Council sent a letter to Minister Bennett expressing her concerns about Canada's failure to comply with the Decision and its upcoming October 31, 2016 compliance report to the Tribunal. Attached as **Exhibit P** to this affidavit is a copy of this letter.

38. On October 26, 2016, nine months following the release of the Decision, the Manitoba Legislature passed a motion condemning Canada for failing to comply with the ruling and urging immediate compliance.
39. On October 27, 2016, the New Democratic Party introduced an opposition motion to the House of Commons calling on Canada to comply with the Decision. On October 31, 2016, Chief George Ginnish and Chief Rebecca Knockwood, Chiefs of Mi'gmawel Tplu'taqnn sent a letter to all Members of Parliament from New Brunswick calling on them to support the motion. Attached as **Exhibit Q** to this affidavit is a copy of the letter.
40. On November 1, 2016, the House of Commons motion passed unanimously. It called on Canada to immediately comply with the Canadian Human Rights Tribunal's decision, properly and fully implement Jordan's Principle, inject \$155 million in new funding for the delivery of child welfare services for First Nations children and families and to stop fighting First Nations families in court who are trying to access government services for their children. Canada has failed to provide the \$155 million referenced in the motion and two days after the motion passed in the House of Commons, Canada continued litigation against a First Nations teenager requiring \$8,000 worth of medical treatment so she can eat and talk without chronic pain. Attached as **Exhibit R** to this affidavit of the Notice of Application and the proceedings queries from the Federal Court registry regarding the case.
41. On November 1, 2016, UNICEF Canada made a statement supporting the passage of the House of Commons motion attached as **Exhibit S**.
42. Relevant to the Auditor General of Canada's 2008 and 2011 audits on First Nations child and family services, on November 29, 2016, the Auditor General of Canada released his Fall 2016 report that included the following statement "Another picture

that reappears too frequently is the disparity in the treatment of Canada's Indigenous peoples. My predecessor, Sheila Fraser, near the end of her mandate, summed up her impression of 10 years of audits and related recommendations on First Nations issues with the word "unacceptable." Since my arrival, we have continued to audit these issues and to present at least one report per year on areas that have an impact on First Nations, including emergency management and policing services on reserves, access to health services, and most recently, correctional services for Aboriginal offenders. When you add the results of these audits to those we reported on in the past, I can only describe the situation as it exists now as beyond unacceptable." The message of the Auditor General is attached to my affidavit as **Exhibit T**.

43. On December 6, 2016, the First Nations Leadership Council, composed of the First Nations Summit, the Union of BC Indian Chiefs and the BC Assembly of First Nations wrote an open letter to Minister Bennett urging her to take immediate action to comply with the Decision. The letter also expressed concerns about unilateral the appointment of Dr. Wesley-Esquimaux as the Ministerial Special Representative on First Nations child and family services. The First Nations Leadership Council also expressed concerns relating to Canada's failure to comply with the Canadian Human Rights decisions and about the vague goals and lack of transparency regarding the Ministerial Special Representative's discussions with First Nations and First Nations child and family service agencies relating to child welfare. It further expressed concern that Canada has not established the National Advisory Committee process. Attached as **Exhibit U** to this Affidavit is a copy of this letter.

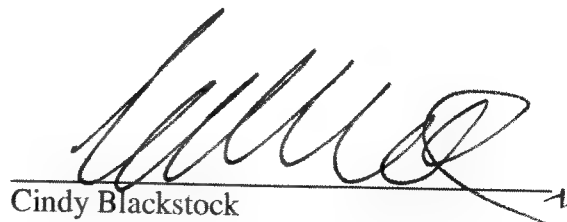
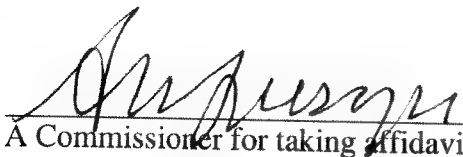
44. On December 6, 2016, the Office of the Parliamentary Budget Officer released a report entitled "Federal Spending on Primary and Secondary Education on First Nations Reserves." The report concluded there are considerable funding shortfalls between INAC funding and funding provided under provincial formulas in the context of First Nations elementary and secondary education. Attached as **Exhibit V** is a copy of this report.
45. On December 6, 7 and 8, 2016, I attended the Special Chiefs Assembly of the Assembly of First Nations. During this time, numerous individuals advised me of their disappointment regarding Canada's failure to comply with the Decision. Nine individuals provided letters expressing their concerns. Attached as **Exhibit W** to this affidavit are copies of these letters.
46. During the Special Chiefs Assembly, the Chiefs in Assembly unanimously passed a resolution expressing deep concern regarding Canada's failure to immediately and fully comply with the Decision and the ensuing compliance orders. The resolution called on Canada to immediately comply with any and all orders issued by the Canadian Human Rights Tribunal without reservation and to establish the National Advisory Committee and Regional Tables. The resolution also expressed concern about the lack of accountability for the Ministerial Special Representative and called on INAC to reorient her mandate to increase the capacity of INAC to comply with the Decision and to implement the Truth and Reconciliation Commission's Calls to Action. Attached as **Exhibit X** to this affidavit is a copy of the resolution.
47. On December 9, 2016, I appeared before the Inter-American Commission on Human Rights ("IACHR") in Washington, D.C. on behalf of the Caring Society for a special hearing convened on the human rights situation of Indigenous children in Canada. The focus of my presentation was Canada's failure to respect the Decision in violation of the United Nations Convention on the Rights of the Child, the United Nations Declaration on the Rights of Indigenous Peoples, the American Convention

on the Rights and Duties of the Man, and the American Declaration of the Rights of Indigenous Peoples. The Caring Society's main requests to the IACHR were to urge Canada to comply with the Decision and for the IACHR to hold a follow-up hearing within one year to determine Canada's compliance with any observations and recommendations it made. Attached, as **Exhibit Y** to my affidavit is the Caring Society's brief to the IACHR. Following my presentation, the IACHR Special Rapporteur on the Rights of the Child of the IACHR, Esmeralda Arosemena de Troitiño, stated, "we need to protect every child, every last boy and girl".

48. On December 13, 2016, Amnesty International Canada (English Branch) and Amnestie internationale Canada (francophone) released their annual Human Rights Assessment of Year One of the current government. Although the report noted some positive "promises", it concluded that the current government's human rights record was still a work in progress. The assessment expressed serious concern about Canada's failing to take immediate remedial action as explicitly called for in the Decision. It graded the current government's policy on First Nations child welfare as "non progress". Attached as **Exhibit Z** of this affidavit is Amnesty International's Assessment of Canada.

49. I make this affidavit in good faith and for no other or improper purpose.

AFFIRMED BEFORE ME)
at Ottawa, Ontario on December 17, 2016)
)
)
)
)
)
)
A Commissioner for taking affidavits, etc.)


Cindy Blackstock

Tribunal File: T1340/7008

CANADIAN HUMAN RIGHTS TRIBUNAL

B E T W E E N:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA
and ASSEMBLY OF FIRST NATIONS**

Complainants (Moving Party)

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

**ATTORNEY GENERAL OF CANADA
(representing the Minister of Indigenous and Northern Affairs Canada)**

Respondent (Responding Party)

- and -

**CHIEFS OF ONTARIO, AMNESTY INTERNATIONAL CANADA
and NISHNAWBE ASKI NATION**

Interested Parties

**AFFIDAVIT OF JONATHAN THOMPSON
(Affirmed December 20, 2016)**

I, JONATHAN THOMPSON, of the City of Ottawa, in the Province of Ontario, AFFIRM:

1. I am the Director of Social Development at the Assembly of First Nations, a co-complainant in this matter, and in my capacity as Director, I have personal knowledge of the matters to which I hereinafter affirm, unless the matters are stated to be on my information and belief, in which case, I verily believe them to be true.
2. The Assembly of First Nations (hereinafter "AFN") is a national advocacy organization representing First Nations citizens in Canada, which includes more

than 900,000 people living in 634 First Nations communities and in cities and town across the country. The AFN is mandated to represent and protect the rights and interests of First Nations peoples in Canada, as set out in its Charter. The AFN has an office located at 55 Metcalfe Street, Suite 1600 in Ottawa, Ontario.

3. I affirm this affidavit in support of the AFN's motion to enforce the Respondent's (Responding Party's) full compliance with the Canadian Human Rights Tribunal's Decision ("Decision") and Remedial Orders in 2016 CHRT 2, 2016 CHRT 10 and 2016 CHRT 16 ("Remedial Orders").

Introduction

4. As the Director of Social Development at the AFN, I have been involved in First Nations child welfare for many years prior to the filing of the Complaint in this matter. I also testified in the Tribunal hearing of this matter and have been heavily involved in the remedies stage following the Tribunal's Decision that was issued in January 2016. During this process, my job has been to advocate on behalf of First Nations, and First Nations children and families, across Canada regarding the reformation of the First Nations Child and Family Services (FNCFS) Program. It is my observation and belief that the discrimination perpetrated by the Respondent through the FNCFS Program, that was substantiated in the Tribunal's Decision, 2016 CHRT 2, continues despite the Decision, and that this is due to the Respondent's failure to meaningfully and effectively institute the immediate relief measures provided for in the Decision and the subsequent remedial orders.

AFN Charter and Mandate

5. The AFN was established pursuant to and operates under its Charter, under which the principal objects are:
 - i. To protect our succeeding generations from colonialism;
 - ii. To reaffirm our faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of our First Nations large and small;

- iii. To establish conditions under which justice and respect for the obligations arising from our international treaties and from international law can be maintained; and
 - iv. To promote social progress and better standards of life among our peoples.
6. A copy of the AFN Charter and Mandate is attached to my affidavit as Exhibit "A".

AFN Resolutions regarding the Human Rights Complaint

7. The AFN derives authority from specific mandates provided through resolutions from the First Nations Chiefs-in-Assembly. The mandates and resolutions are made pursuant to the AFN's broader Charter objectives, and are essential mechanisms that guide the AFN. The resolutions process serves to effectively foster and capture national consensus on significant policy matters. Resolutions are considered at the Annual General Assembly or at the Special Chiefs Assembly.
8. The Resolution which originally mandated this human rights complaint was enacted in December 2006, Resolution No. 53/2006 was passed on consensus by the Chiefs Assembly which approved the AFN to submit a joint complaint with the First Nations Child and Family Caring Society (hereinafter "Caring Society") against the Respondent to the Canadian Human Rights Commission, and eventually the Tribunal. The human rights complaint was later filed in February 2007. The complaint, which arose out of the Resolution No. 53/2006, was regarding the inequitable levels of child welfare funding and services provided to First Nations children and families on reserve. A copy of Resolution No. 53/2006 is attached to my affidavit at Exhibit "B".
9. The AFN is also mandated to follow-up on the Tribunal's Decision and to make sure that the Respondent eliminates the discrimination it was found to be guilty of in the Decision. Following the Tribunal's January 2016 Decision, at the AFN's Annual Assembly held in July 2016, the Chiefs-in-Assembly discussed the Respondent's lack of progress in implementing the remedies as ordered in the Tribunal's decision. Further, the Assembly passed Resolution No. 62/2016. Specifically, Resolution No. 62/2016, which calls upon the Government of Canada to take immediate and

concrete actions to implement and honour the Tribunal's findings in its decision, 2016 CHRT 2; and, all subsequent Remedial Orders; and to implement Jordan's Principle across all First Nations and all Federal Government services.

10. Resolution No. 62/2016 also calls upon the Government of Canada to honour its commitment to fully implement the Truth and Reconciliation Commission of Canada's Calls to Action, which are as follows with respect to "Child Welfare":

i. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to reducing the number of children in care by:

- i. Monitoring and assessing neglect investigations.
- ii. Providing adequate resources to enable Aboriginal communities and child-welfare organizations to keep Aboriginal families together where it is safe to do so, and to keep children in culturally appropriate environment, regardless of where they reside.
- iii. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the history and impacts of residential schools.
- iv. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the potential for Aboriginal communities and families to provide more appropriate solutions to family healing.
- v. Requiring that all child-welfare decision makers consider the impact of the residential school experience on children and their caregivers.

ii. We call upon the federal government, in collaboration with the provinces and territories, to prepare and publish annual reports on the number of Aboriginal children (First Nations, Inuit, and Métis) who are in care, compared with non-Aboriginal children, as well as the reasons for

apprehension, the total spending on preventive and care services by child-welfare agencies, and the effectiveness of various interventions.

- iii. We call upon all levels of government to fully implement Jordan's Principle.
 - iv. We call upon the federal government to enact Aboriginal child-welfare legislation that establishes national standards for Aboriginal child apprehension and custody cases and includes principles that:
 - i. Affirm the right of Aboriginal governments to establish and maintain their own child-welfare agencies.
 - ii. Require all child-welfare agencies and courts to take the residential school legacy into account in their decision making.
 - iii. Establish, as an important priority, a requirement that placements of Aboriginal children into temporary and permanent care be culturally appropriate.
 - v. We call upon the federal, provincial, territorial, and Aboriginal government to develop culturally appropriate parenting programs for Aboriginal families.
11. A copy of the Truth and Reconciliation Commission of Canada's Calls to Action is attached to my affidavit as Exhibit "C".
12. At Paragraph G, Resolution 62/2016 also states Canada's unilateral actions with respect to budget allotments for First Nations child and family services occur without meaningful consultation. Further, the Resolution sets out Canada's unilateral actions with respect to Jordan's Principle without meaningful consultation, are "inconsistent with the *United Nations Convention on the Rights of the Child* and articles of the *United Nations Declaration on the Rights of Indigenous Peoples*, which states:
- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of

discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity;

- ii. Article 22(2): States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination."
13. A copy of Resolution No. 62/2016 is attached to my affidavit as Exhibit "D".
14. In December 2016, the AFN's Special Chiefs' Assembly passed another Resolution. Resolution No. 83/2016 regards the deep concern by all First Nations across Canada over Canada's failure to immediately and fully comply with the Tribunal's decision and subsequent remedial orders.
15. Resolution No. 83/2016 affirms the National Advisory Committee (hereinafter "NAC") and associated Regional Tables proposed by the AFN and the Caring Society to be the legitimate process to provide advice to the Chiefs and Government of Canada on the reformation of the FNCFS Program and implementation of Jordan's Principle. A copy of Resolution No. 83/2016 is attached to my affidavit as Exhibit "E".

AFN Efforts to Engage with the Respondent Regarding the Decision and Immediate Relief

16. On February 25, 2016, shortly after the Tribunal's January decision, National Chief Perry Bellegarde addressed a letter to Minister Carolyn Bennett, Indigenous and Northern Affairs Canada, on behalf of the AFN. The letter sought the Respondent's confirmation that it would not judicially review the Tribunal's decision. The letter also expressed the AFN's concern that "no efforts or program changes have been made to date to end the discriminatory practices by your department". The correspondence expressed the AFN's willingness to get involved and assist the Respondent in identifying the immediate relief that could be implemented in compliance with the Tribunal's order without delay. A copy of National Chief Perry Bellegarde's letter dated February 25, 2016 is attached to my affidavit as Exhibit "F".

17. On March 1, 2016, Minister Bennett responded in writing to National Chief Bellegarde confirming that the Respondent accepts the Tribunal's decision, its findings, and conclusion regarding the inadequacy of the FNCFS Program, and would not be filing for judicial review. Minister Bennet also expressed that meaningful program reform requires working in partnership with agencies and front-line service providers, First Nations communities, organizations and leadership, as well as other federal departments and provinces and territories. A copy of **Minister Bennett's letter** dated March 1, 2016 is attached to my affidavit as Exhibit "G". More specifically, Minister Bennett said the following:

"Action cannot be taken unilaterally on matters like the 1965 Ontario Welfare Agreement, and given the changes to Jordan's Principle will have an impact beyond the immediate parties, engagement with a wide range of stakeholders must be pursued. I have asked my officials to start this engagement work right away by reconstituting, with you and other parties, the Nation Advisory Committee and Regional Tables. Department officials will reach out to you to organize a meeting in the coming days to initiate this dialogue and begin configuring the Committee to include provincial and territorial representation and to add new members as needed"

18. In a letter dated March 15, 2016, Paula Isaak, Assistant Deputy Minister, Education and Social Development Programs and Partnerships, INAC, confirmed that Canada accepts the Tribunal's decision and is ready to move forward to make immediate and long-term changes to child welfare on reserve. Assistant Deputy Minister Isaak wrote that Minister Bennett's earlier correspondence was reinforced by Canada's subsequent submissions to the Tribunal on March 10, 2016, which committed Canada to the immediate re-establishment of the NAC and further proposed the Committee be co-chaired with the AFN. A copy of Assistant Deputy Minister Isaak's letter dated March 15, 2016 is attached to my affidavit as Exhibit "H".
19. The purpose of Assistant Deputy Minister Isaak's letter was to confirm the AFN's ongoing interest in being Co-Chair of the NAC and to invite the AFN to an initial

meeting. Since May 2016, on behalf of the AFN, I have been engaged with INAC (along with the Co-complainant, Caring Society) for the re-establishment of the NAC, including negotiating the Terms of Reference for the NAC. Negotiations have been slow, due primarily to INAC's intransigence on several key items, which have become problematic such and are as follows:

- i. The number of First Nations representatives on the NAC
 - ii. The inclusion of Provincial/Territorial representatives on the NAC
 - iii. The number of Federal Representatives on the NAC
 - iv. The Chair of the NAC
20. Among the key outstanding issues to be resolved is the appointment of the Chair of the NAC. Input from First Nations experts was always to include Regional Tables, inclusive of First Nations child welfare experts, that would engage in a structured dialogue the information form which would then be transferred to the National Table to ensure a national response to ending a national issue, the discrimination against First Nations children. The Respondent's seemingly regional approach and its ignoring of its commitments to enable the expertise of the NAC is inconsistent with previous practices.

Unilateral Consultations with FNCFS Agencies are Ineffective

21. Currently, the Respondent appears to be attempting to circumvent the AFN despite AFN's mandates to follow-up on the implementation of the Tribunal's Decision. INAC and Health Canada are engaged in consultations with First Nations Child and Family Services Agencies (FNCFS Agencies) about reforming the FNCFS Program. Unfortunately, the AFN is not included in these consultations. For unknown reasons, the Respondent and Health Canada decided to unilaterally exclude both complainants, the AFN and Caring Society, in these consultations, despite both parties being national organizations that represent First Nations and FNCFS Agencies across Canada, respectively.

22. The decision to not include the AFN or Caring Society hinders the Respondent's ability to effectively implement the Tribunal's Decision and Remedial Orders, and facilitates the ongoing discrimination against First Nations children.
23. In correspondence dated October 28, 2016 from Margaret Buist, Director General, INAC, to all FNCFS Agencies across Canada, engaged consultations and included a questionnaire that sought to acquire information from agencies about their respective needs and circumstances to inform INAC's thinking on new funding approaches. The letter also offers a one-time funding opportunity. A copy of the October 28, 2016 letter is attached to my affidavit as Exhibit "I".
24. This letter attempts at reforming the FNCFS Program, using information gathered from the questionnaire where excluding the involvement of the NAC on First Nations Child Welfare, the Complainants, and is absent any identifiable research methodology that could properly inform the necessary funding work.

Ministerial Special Representative

25. On October 27, 2016, Minister Carolyn Bennet appointed a Ministerial Special Representative (MSR) on First Nations Child Welfare. The AFN was not consulted on the appointment of the MSR. The MSR also excludes the NAC and the complainants by attempting to engage First Nations on the issue of child welfare without a Terms of Reference or Accountability Framework in place, and is part of an ongoing pattern of non-consultation and unilateral decision-making from the Respondent.

Respondent's Piecemeal Approach

26. The Respondent attempts to justify its diminished funding levels and the pace for augmenting funding levels to eliminate discrimination by saying that First Nations and First Nation child welfare agencies are not ready. The Minister's Special Representative has likened allotting child welfare funds to "throwing confetti in the air". INAC's piecemeal approach will only perpetuate the discrimination and is paternalistic. It is similar to Canada's previous approach to reform child welfare, namely, the Enhanced Prevention Focussed Approach (EPFA), which was a

piecemeal approach, insisting on negotiating regional agreements while intentionally avoiding sharing of information nationally resulting in ongoing discrimination against First Nations children and families in the provision of child welfare services. The exclusion of the NAC will result in the same outcomes and delays in the complete overhaul of the FNCFS Program.

27. I make this affidavit in support of the AFN's motion and for no other purpose.

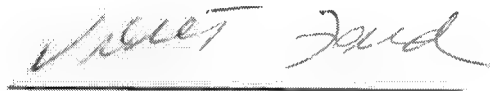
AFFIRMED BEFORE ME at
Ottawa, in the Province of Ontario, on
20th day of December, 2016

Victor J. J. J.
LSUC # 608998K

Notary Public, Commissioner of Oaths.

[Signature]
Jonathan Thompson

The following is Exhibit "A"
referred to in the Affidavit of Jonathan Thompson
affirmed before me 20th day of December 2016



a Commissioner, etc.

LSUC # 60899K

AFN Charter

Released under the Access
to Information Act

Communiqué en vertu de la
Loi sur l'accès à
l'information

1005-3.

Charter

WE THE CHIEFS OF THE INDIAN FIRST NATIONS IN CANADA HAVING DECLARED:

THAT our peoples are the original peoples of this land having been put here by the Creator;

THAT the Creator gave us laws that govern all our relationships for us to live in harmony with nature AND MANKIND,

THAT the laws of the Creator defined our rights and responsibilities;

THAT the Creator gave us our spiritual beliefs, our languages, our cultures, and a place on Mother Earth which provided us with all our needs;

THAT we have maintained our freedom, our languages, and our traditions from time immemorial;

THAT we continue to exercise the rights and fulfil the responsibilities and obligations given to us by the Creator for the land upon which we were placed:

THAT the Creator has given us the right to govern ourselves and the right to self determination;

THAT the rights and responsibilities given to us by the Creator Cannot be altered or taken away by any other nation;

THAT our aboriginal title, aboriginal rights and international treaty rights exist and are recognized by international law,

THAT the Royal Proclamation of 7 October 1763 is binding on both the Crowns of the United Kingdom and of Canada,

THAT the Constitution of Canada protects our aboriginal title, aboriginal rights (both collective and individual) and international treaty rights;

THAT our governmental powers and responsibilities exist; and

THAT our nations are part of the international community

ARE DETERMINED

To protect our succeeding generations from colonialism;

To reaffirm our faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of our First Nations large and small;



AFN Charter

To establish conditions under which justice and respect for the obligations arising from our international treaties and from international law can be maintained, and

To promote social progress and better standards of life among our peoples,

AND FOR THESE ENDS,

To respect our diversity,

To practise tolerance and work together as good neighbours,

To unite our strength to maintain our security, and

To employ national and international machinery for the promotion of the political, economic and social advancement of our peoples,

SO, WE HAVE RESOLVED TO CONFINE OUR EFFORTS TO ACCOMPLISH COMMON AIMS.

ACCORDINGLY, our respective Governments, through their Chiefs assembled in the City of Penticton in 1982, agreed to establish a national organization known as the Assembly of First Nations (AFN) and now agree in the City of Vancouver in 1985 to the Charter of the Assembly of First Nations.

IDEALS

ARTICLE I

Diplomatic and political relations between First Nations in all fora of the Assembly of First Nations shall be guided by the following ideals:

- a) By virtue of their rich heritage, historical experience and contemporary circumstances, First Nations possess common interests and aspirations to exercise their political will in common and to develop a collective struggle or cause based upon the Indian values of trust, confidence and toleration.
- b) By virtue of the recognition and affirmation of their mutual freedom and self determination, First Nations possess the knowledge and political will to respect the sovereignty of each First Nation.
- c) By virtue of the recognition and respect for their mutual sovereign equality, First Nations can establish collective political relations based upon respect for diversity.



AFN Charter

Released under the Access
to Information Act
Communiqué en vertu de la
Loi sur l'accès à
l'information

d) By virtue of their mutual belief in justice, First Nations can establish collective political relations that will not render a single First Nation to suffer or benefit as a direct result of privilege, favouritism preferential treatment or the abuse of power.

PRINCIPLES

ARTICLE 2

First Nations, in the pursuit of the ideals stated in Article 1, shall subscribe to and maintain these Principles:

1. First Nations involved in diplomatic and political relations within the Assembly of First Nations recognize that collective political power and action is a practical imperative for the preservation and integrity of the right of self-determination for each First Nation.
2. In order to achieve political solidarity, diplomatic and political relations between First Nations involved in the Assembly of First Nations shall be characterized by the principles of coexistence and diversity.
3. The purpose, authority, responsibilities and jurisdiction of the Assembly of First Nations shall be derivative in nature and scope. All actions or initiatives in excess of the delegation from First Nations shall be null and void and of no force or effect.
4. All delegated power, mandates or responsibility derive from the sovereignty of First Nations; and the persons or institutions entrusted to exercise such delegation have a sacred trust and duty, in performance, to comply strictly with the nature and quality of the delegation.
5. The Assembly of First Nations shall remain at all times an instrument to advance the aspirations of First Nations and shall not become greater in strength, power, resources or jurisdiction than the First Nations for which it was established to serve.
6. Any decision or direction on a subject matter of a fundamental nature that may affect the jurisdiction, rights and survival of First Nations, may be undertaken as a national or international matter provided the First Nations-in-Assembly have reached a consensus to grant delegated power, mandate or responsibility to the Assembly of First Nations. When all efforts at achieving a consensus have been exhausted without a success, a positive vote of 60% of the Chiefs and other designated representatives of First Nations shall be sufficient for the Assembly of First Nations to undertake any subject matter of a national or international matter.



AFN Charter

7. The resources allocated to the Assembly of First Nations Secretariat shall be distributed and utilized for the great benefit of all Member First Nations in efforts that are truly in form and substance national in scope and for which consensus has been achieved by the member First Nations.

ROLE AND FUNCTION

ARTICLE 3

The role and function of the Assembly of First Nations is:

- a) To be a national delegated forum for determining and harmonising effective collective and co-operative measures on any subject matters which the First Nations delegate for review, study, response or action.
- b) To be a national delegated forum of First Nations which, by virtue of their sovereignty, are the sole legitimate source for what it is, does or may become in the future.
- c) To be a national delegated forum for the purpose of advancing the aspirations of First Nations and to remain subordinate in strength power and resources to the First Nations jurisdiction for which it is established to serve.
- d) To perform and adhere strictly, as a sacred trust and duty, to the nature, scope and extent of the delegation granted from time to time by First Nations.
- e) To seek, utilize and distribute resources for the greater benefit of all First Nations in endeavours that are truly in form and substance national or international in nature and scope and for which delegation has been granted by First Nations.

MEMBERSHIP

ARTICLE 4

All First Nations in Canada have the right to be Members of the Assembly of First Nations.

ORGANS

ARTICLE 5

1. There are established as principal organs of the Assembly of First Nations:

First Nations-in-Assembly;



The Confederacy of Nations;
The Executive Committee;
The Secretariat (also known as the National Indian Brotherhood;
The Council of Elders;
The Council of Women; and
The National Youth Council

2. Such subsidiary organs may be found necessary may be established from time to time by the First Nations-in-Assembly.

THE FIRST NATIONS-IN-ASSEMBLY COMPOSITION

ARTICLE 6

1. The First Nations-in-Assembly shall consist of all the Chiefs of those First Nations who exercise their right to be Members of the Assembly of First Nations.
2. Each First Nation shall have one representative in the First Nations-in-Assembly.
3. In the absence of a Chief of a First Nation, designated representatives, who are accredited officially in writing by a First Nation for that purpose, may participate in the First Nations-in-Assembly.

FUNCTIONS AND POWERS

ARTICLE 7

1. The First Nations-in-Assembly is a forum for First Nations to conduct nation-to-nation discussions, consultations and deliberations and to collaborate on any matter within the jurisdiction of First Nations.
2. The First Nations-in-Assembly has power:
 - a) To discuss any matter related to the conduct or operations of any organ of the Assembly of First Nations and to make binding decisions regarding such matters.
 - b) To make decisions on any subject matter that chiefs of First Nations desire to initiate or undertake co-operatively and collectively through the Assembly of First Nations.
 - c) To delegate authority, mandates, tasks, responsibilities or duties to the Assembly of First Nations whenever such delegation is deemed necessary by the Chiefs of the First Nations.



Released under the Access to Information Act

AFN Charter

- d) To ensure that the positions and directions given by First Nations are implemented and to take disciplinary measures whenever the sacred trust and duty to perform and adhere to, in strict compliance with the delegation is deliberately breached.
- e) To instruct the Executive Committee to proceed with a ratification process of its decisions regarding any subject matter of a fundamental nature that may affect the jurisdiction, rights and survival of First Nations.
- f) To ensure that the Principles enumerated in Article 2 are maintained and put into practice in relation to the role and function of the Assembly of First Nations and all its regions.
- g) To be, in general, the sole legitimate inherent source of what the Assembly of First Nations is, what it can do and what it may become in the future.

DECISION MAKING

ARTICLE 8

1. Decisions of the First Nations-in-Assembly shall be made as far as possible by consensus or general agreement. When all efforts at achieving a consensus have been exhausted without success, a positive vote of 60% of the Chiefs and proxy representatives of First Nations in attendance shall be sufficient to constitute a decision.

2. In the event of voting each member shall have one vote which may be exercised by proxy.

ASSEMBLIES

ARTICLE 9

The First Nations-in-Assembly shall meet in regular annual sessions in the months of June or July and in such special sessions as occasion may require. Special sessions may be convened by the National Chief at the request of the Confederacy of Nations, or of the Executive Committee.

PROCEDURE

ARTICLE 10

The First Nations-in-Assembly shall adopt its own Rules of Procedure.



THE CONFEDERACY OF NATIONS

COMPOSITION

ARTICLE 11

The Confederacy of Nations shall be composed of First Nations representatives of each region on the basis of one representative for each region plus one representative for each 10,000 First Nations' citizens of that region.

For the purposes of representatives and quorum, the Executive Committee shall maintain a record of the First Nations populations of each region which shall be British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec and Labrador, Nova Scotia and Newfoundland, New Brunswick, and Prince Edward Island, Northwest Territories, Yukon Territory.

FUNCTIONS AND POWERS

ARTICLE 12

1. The Confederacy of Nations exists and functions as the governing body between assemblies of the First Nations-in-Assembly, with authority:

- a) To review and enforce decisions and directions of the First Nations-in-Assembly.
- b) To interpret resolutions, decisions and directions of the First Nations-in-Assembly in cases where ambiguity or conflict arises in the interpretation of resolutions, decisions.
- c) To ensure that the Secretariat and Executive Committee (including the National Chief) conform to, and implement, the decisions and directions of the First Nations-in-Assembly.
- d) To take corrective and remedial disciplinary measures in respect of any member of the Secretariat or Executive Committee (including the National Chief) in instances of willful breach of a national mandate.
- e) To receive, consider, make decisions and take appropriate action on any matter raised by an individual First Nation or collectively of First Nations between meetings of the First Nations-in-Assembly provided that the response and action undertaken is within the scope of existing delegated mandates of the First Nations-in-Assembly, and provided resources that may be required are available and within the budget of the organization, and further provided that the matter dealt with does not have a detrimental effect on the rights and interests of all First Nations.



AFN Charter

f) To address any emergency in matters of a fundamental nature affecting one or more First Nations. The Confederacy of Nations shall consider, first, whether that matter is of a fundamental , second, whether an emergency exists before any decision or action is taken on that matter. Any decision made shall be referred to the First Nations-in-Assembly at the earliest opportunity for ratification.

g) To approve, allocate, monitor and control the fiscal resources of the Assembly of First Nations.

h) To develop short-term and long-term plans and establish priorities consistent with the directions and decisions of the First Nations-in-Assembly.

i) To ensure that quarterly written reports are submitted directly to the Chiefs of the First Nations.

ACCOUNTABILITY

ARTICLE 13

1. The Confederacy of Nations shall be accountable to, shall report to and take direction from the First Nations-in-Assembly.

2. The Confederacy of Nations representatives may be elected or appointed and removed by the Chiefs of each region at a meeting convened for that purpose.

MEETINGS

ARTICLE 14

The Confederacy of Nations shall meet in regular quarterly sessions and in such special sessions as occasion may require. Special sessions may be convened by the National Chief on his (or her) own initiative, or at the request of a quorum for the duly selected members of the Confederacy of Nations or at the request of the Executive Committee.

QUORUM

ARTICLE 15

Fifty percent of participating representatives and fifty percent of the participating regions shall constitute a quorum for any meeting of the Confederacy of Nations.



PROCEDURE

ARTICLE 16

The Confederacy of Nations shall adopt its own Rules of Procedure.

THE EXECUTIVE COMMITTEE

COMPOSITION

ARTICLE 17

1. Executive Committee shall consist of the National Chief, the AFN Regional Chiefs and the Chairman of the Council of Elders (in an advisory capacity).
2. National Chief shall be elected in accordance with Article 22 of the present Charter.
3. The AFN Regional Chiefs shall be elected by the Chiefs in their regions according to the following formula: one each from British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec and Labrador, Nova Scotia and Newfoundland, New Brunswick, and Prince Edward Island, Northwest Territories, Yukon Territory.

The AFN Regional Chiefs shall be elected for a three year term and shall be eligible for re-election. The term of office may be terminated before the expiry date if the Chiefs of that Region so decide at a meeting called for that purpose.

FUNCTIONS AND POWERS

ARTICLE 18

1. The Executive Committee shall function as a unit and any decisions or actions by any individual member of the Executive Committee shall be null and void and of no force or effect.
2. The Executive Committee shall make representations on behalf of First Nations consistent with properly delegated mandates.
3. The Executive Committee shall monitor, and control the Secretariat, set policy for the internal operations of the Secretariat, select all senior officials and approve all personnel or service contracts the value of which exceeds five thousand (\$5,000-00) dollars.



AFN Charter

4. On matters of concern to an individual First Nation that will not affect other First Nations, the Executive Committee shall consider a request from any First Nation and decide on an appropriate course of action.
5. The Executive Committee shall bring to the attention of First Nations, the First Nations-in-Assembly and the Confederacy of Nations; any matters which, in their opinion may jeopardise the security, survival, rights, aspirations and jurisdiction of First Nations.
6. The Executive Committee shall develop the budget requirements of the Assembly of First Nations and obtain the approval of the budgets by the Confederacy of Nations.
7. The Executive Committee shall secure fiscal resources for the Assembly of First Nations and monitor and control the expenditures of the Assembly of First Nations.
8. In implementing the decisions of the First Nations-in-Assembly and the Confederacy of Nations, the Executive Committee shall comply in all cases with the true spirit and intent of the delegation granted from time to time.
9. In performing their duties or responsibilities, the Executive Committee may establish portfolios and deploy resources as deemed necessary, subject to the approval of the Confederacy of Nations and to the nature of the delegation granted by the First Nations-in-Assembly.
10. Members of the Executive Committee may participate in Confederacy of Nations meetings with voting privileges.

ACCOUNTABILITY

ARTICLE 19

The Executive Committee shall be accountable to, shall report to and take direction from the Confederacy of Nations and the First Nations-in-Assembly.

NATIONAL CHIEF

ROLE AND FUNCTION

ARTICLE 20

1. The National Chief is a member of, and is not separate and apart from the Executive Committee. He (or she) functions as a member of a collective leadership.



AFN Charter

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to Information Act
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l'information*

2. The National Chief shall take direction from the Executive Committee as a unit, and, with the Executive Committee, is responsible to the Confederacy of Nations and ultimately to the First Nations-in-Assembly.
3. The National Chief shall make regular political and financial reports to his (or her) colleagues in the Executive Committee, to the Confederacy of Nations and to the First Nations-in-Assembly.
4. The National Chief has a political role and is the primary spokesperson of the Assembly of First Nations.
5. The National Chief shall maintain and direct the Secretariat in accordance with the directions set by the Executive Committee, the Confederacy of Nations and the First Nations-in-Assembly.
6. The National Chief shall preside over Executive Committee and Confederacy of Nations meetings.
7. The National Chief shall develop a budget for the office of National Chief and the rest of the Executive Committee, and shall retain support staff to help the Executive Committee carry out their duties and obligations to the First Nations.
8. The National Chief shall operate the Secretariat within the Budget approved each fiscal year by the Confederacy of Nations.
9. The National Chief shall reside in the National Capital area.
10. The National Chief shall be paid a salary established by the First Nations-in-Assembly.

AUTHORITY AND ACCOUNTABILITY

ARTICLE 21

1. The National Chief shall have no inherent political authority.
2. Any authority the National Chief may have shall derive exclusively and entirely from authority granted from time to time by the First Nations-in-Assembly.
3. As a leader who exercises delegated mandates, authority, responsibilities and duties, the National Chief has a sacred political trust to comply in every respect with the direction given by the First Nations-in-Assembly, the Confederacy of Nations and the Executive Committee.



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AFN Charter

ELECTION AND TERM

ARTICLE 22

1. The National Chief shall be elected by the First Nations-in-Assembly by a majority of 60% of the registered representatives of First Nations at an Assembly convened for the purpose of electing a National Chief.
2. The National Chief shall be elected for a three-year term and be eligible for re-election but may be removed by a majority of 60% of the registered representatives of First Nations at a Special Assembly. convened by the Confederacy of Nations for that purpose.
3. In the event that the National Chief is removed from Office in accordance with paragraph 2 of this article; or in the event that he dies or resigns, or is found to be medically unfit to carry on his duties and complete his term of office owing to physical or mental disability, or is the event that his term of office ends before a new election, the rest of the Executive Committee shall assume his role and function until such time as other arrangements are made by the First Nations-in-Assembly.
4. A National Chief who is seeking re-election, and any other candidate for the Office of National Chief, shall maintain a strict accounting of all moneys raised for their campaign; and a preliminary disclosure of these records shall be made to the Assembly at which they are seeking election prior to the time of the election.
5. At any Assembly at which an election for the Office of National Chiefs occurs, the Chief Electoral Officer shall review the accounts disclosed by each candidate in accordance with paragraph 4 of this Article and shall ensure that standards set for such accounts by the First Nations-in-Assembly are applied fairly and evenly to all candidates.

COUNCIL OF ELDERS

COMPOSITION

ARTICLE 23

1. The Council of Elders shall consist of Elders representative of First Nations (the number to be determined by the First Nations-in-Assembly) in addition to its Chairperson who shall be associated with the Secretariat and be an advisory member of the Executive Committee.
2. Elders shall elect their representatives and the Chairperson of the Council.



AFN Charter

2. Any Elder may participate in meetings of the First Nation-in-Assembly or of the Confederacy of Nations or of any subsidiary organ. The Chairperson of the Council of Elders may participate in meetings of the Executive Committee in an advisory capacity.

3. The Council of Elders may, investigate any dispute, or any situation which might lead to friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger relationships between First Nations in the Assembly of First Nations. The Council of Elders may, if all the parties to any dispute so request, make recommendations to the parties with a view to an amicable settlement of the dispute.

4. The role and function of any Elder on the Council of Elders is, in essence, non-political and advisory in nature and scope.

COUNCIL OF WOMEN

ARTICLE 24.A

1. The Council of Women may discuss any question or any matter within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and make recommendations to the Executive Committee, the Confederacy of Nations, the First Nations-in-Assembly or to any subsidiary organ on any such question or matter.

2. Any member of the Council of Women may participate fully in meetings of the First Nations-in-Assembly or of the Confederacy of Nations or of any subsidiary organ. The Chairperson (or designate) of the Council of Women may participate in meetings of the Executive Committee.

3. The Council of Women will determine and elaborate further on quorum, procedures, functions, etc. at the inaugural meeting of the Council.

NATIONAL YOUTH COUNCIL

ARTICLE 24.B

1. The National Youth Council may discuss any questions or any matter within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter.

2. At least two representative of the National Youth Council (chosen by consensus by members of the Council) shall participate in all Annual General Assemblies and Confederacy of Nations meetings.

3. The two National Youth Council Chairpersons shall be advisory members to the Executive Committee meetings.



AFN Charter

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4. The role and function of members of the National Youth Council is to represent First Nation youth perspectives in all political, social, economic, cultural and traditional matters.

THE AFN SECRETARIAT (NATIONAL INDIAN BROTHERHOOD)

COMPOSITION

ARTICLE 25

The Secretariat of the AFN (also known as the National Indian Brotherhood) shall be comprised of the Executive Committee and such administrative, technical and support staff as the Assembly of First Nations may require.

FUNCTIONS

ARTICLE 26

1. The Secretariat (NIB) shall function in accordance with its By-laws but so as to ensure the implementation of the decisions of the First Nations-in-Assembly and those of the Confederacy of Nations consistent with the decisions of the First Nations-in-Assembly.

2. The Secretariat shall provide administrative, technical and support services to the Assembly of First Nations.

3. The Secretariat shall receive, administer and distribute monies and transact business and engage in such activities as are ancillary to, or necessary for, the realization of the decisions of the First Nations-in-Assembly, the Confederacy of Nations and the Executive Committee.

ARTICLE 27

This Charter may be amended by consensus or general agreement of the Chiefs or their duly accredited representatives of the First Nations present at any Annual Meeting or Special Meeting of the First Nations-in-Assembly provided that at least 60 days written Notice is given to the First Nations in advance of the Annual Meeting or Special Meeting at which such amendment is to be tabled.



AFN Charter

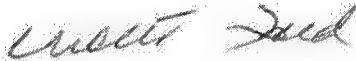
ADOPTION OF THE CHARTER

ARTICLE 28

The present Charter is adopted by consensus or general agreement of the Chiefs and their duly accredited representatives of the First Nations present at the VIth Annual Assembly of First Nations held in Vancouver, British Columbia, on 31 July 1985.



The following is Exhibit "B"
referred to in the Affidavit of Jonathan Thompson
affirmed before me 20th day of December 2016



a Commissioner, etc.

LSUC # 60899K

SPECIAL CHIEFS ASSEMBLY
December 5, 6 & 7, 2006, Ottawa, ON

Resolution no. 53/2006

SUBJECT: FIRST NATIONS CHILD & FAMILY SERVICES

MOVED BY: Chief Connie Big Eagle, Ocean Man First Nation, SK

SECONDED BY: Grand Chief Tim Thompson, Mohawk Council of Akwesasne, QC

DECISION: Consensus

WHEREAS the AFN Chiefs-in-Assembly have passed resolutions (23/2004, 60/2000 and 5/2004) supporting the implementation of the 17 recommendations of the First Nations Child and Family Services (FNCFS) *Joint National Policy Review* recommendations; and

WHEREAS Canada has signed the *United Nations Convention on the Rights of the Child* guaranteeing specific rights for children including the right to non-discrimination and preservation of families and Indigenous culture; and

WHEREAS the Assembly of First Nations signed a Memorandum of Understanding with the First Nation Child and Family Caring Society of Canada (FNCFCS) on November 21, 2006 for the purposes of advocating to address recommendations in the *Joint National Policy Review* and the *Wen: de "The Journey Continues"*; and

WHEREAS since the completion of the FNCFS *Joint National Policy Review* in June 2000 and the *Wen: de "The Journey Continues"* 2005 report, very little progress has been made to address the inadequate and inequitable funding provided to FNCFS agencies by the federal government; and

WHEREAS FNCFS agencies are unable to provide services that are needed to allow children to remain safely in their homes thereby reducing the numbers of First Nations children being taken into child welfare care; and

Certified copy of a resolution adopted on the 7th day of December, 2006 in Ottawa, ON

Phil Fontaine, National Chief

53 - 2006
Page 1 of 2

WHEREAS the number of First Nations children entering the care of the child welfare system continues to rise at an alarming rate with an estimated 27,000 First Nations children currently in care; and

WHEREAS the lack of funding affects FNCFS agencies on a national scale and the lack of action on the part of INAC and the federal government to address this inequitable situation is of significant concern to First Nations leadership; and

WHEREAS the report does not take into consideration Ontario's significant population and complete child welfare statistics; and

WHEREAS the 1965 Ontario Welfare Agreement was unique to Ontario and provided a funding formula for First Nations child and family services; and

WHEREAS there is a clear need for a strong political statement to advocate and pressure the federal government for the immediate implementation of the FNCFS *Joint National Policy Review* and *Wen: de "The Journey Continues"* recommendations which would result in substantive improvements for FNCFS agencies and leading to improvements for First Nations children and families.

THEREFORE BE IT RESOLVED that the AFN Chiefs-in-Assembly approve the submission of a joint complaint by the AFN and the FNCFS to the Canadian Human Rights Commission regarding the inequitable levels of child welfare funding provided to First Nations children and families on reserve pursuant to the Department of Indian and Northern Affairs Canada's (INAC) funding formula for First Nations Child and Family Services known as Directive 20-1 and the 1965 Welfare Agreement in Ontario.

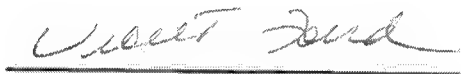
FURTHER BE IT RESOLVED that the AFN pursue negotiations with the federal government to implement the *Joint National Policy Review* and *Wen: de* recommendations.

Certified copy of a resolution adopted on the 7th day of December, 2006 in Ottawa, ON

Phil Fontaine, National Chief

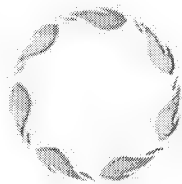
53 - 2006
Page 2 of 2

The following is Exhibit "C"
referred to in the Affidavit of Jonathan Thompson
affirmed before me 20th day of December 2016



a Commissioner, etc.

LSUC # 60899K



**Truth and
Reconciliation**
Commission of Canada

Truth and Reconciliation Commission of Canada: Calls to Action



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2015

Truth and Reconciliation Commission of Canada, 2012
1500-360 Main Street
Winnipeg, Manitoba
R3C 3Z3
Telephone: (204) 984-5885
Toll Free: 1-888-872-5554 (1-888-TRC-5554)
Fax: (204) 984-5915
E-mail: info@trc.ca
Website: www.trc.ca

Calls to Action

In order to redress the legacy of residential schools and advance the process of Canadian reconciliation, the Truth and Reconciliation Commission makes the following calls to action.

Legacy

CHILD WELFARE

1. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to reducing the number of Aboriginal children in care by:
 - i. Monitoring and assessing neglect investigations.
 - ii. Providing adequate resources to enable Aboriginal communities and child-welfare organizations to keep Aboriginal families together where it is safe to do so, and to keep children in culturally appropriate environments, regardless of where they reside.
 - iii. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the history and impacts of residential schools.
 - iv. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the potential for Aboriginal communities and families to provide more appropriate solutions to family healing.
 - v. Requiring that all child-welfare decision makers consider the impact of the residential school experience on children and their caregivers.
2. We call upon the federal government, in collaboration with the provinces and territories, to prepare and publish annual reports on the number of Aboriginal children (First Nations, Inuit, and Métis) who are in care, compared with non-Aboriginal children, as well as the reasons for apprehension, the total spending on preventive and care services by child-welfare agencies, and the effectiveness of various interventions.
3. We call upon all levels of government to fully implement Jordan's Principle.
4. We call upon the federal government to enact Aboriginal child-welfare legislation that establishes national standards for Aboriginal child apprehension and custody cases and includes principles that:
 - i. Affirm the right of Aboriginal governments to establish and maintain their own child-welfare agencies.
 - ii. Require all child-welfare agencies and courts to take the residential school legacy into account in their decision making.
 - iii. Establish, as an important priority, a requirement that placements of Aboriginal children into temporary and permanent care be culturally appropriate.
5. We call upon the federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate parenting programs for Aboriginal families.

EDUCATION

6. We call upon the Government of Canada to repeal Section 43 of the *Criminal Code of Canada*.
7. We call upon the federal government to develop with Aboriginal groups a joint strategy to eliminate

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educational and employment gaps between Aboriginal and non-Aboriginal Canadians.

8. We call upon the federal government to eliminate the discrepancy in federal education funding for First Nations children being educated on reserves and those First Nations children being educated off reserves.
9. We call upon the federal government to prepare and publish annual reports comparing funding for the education of First Nations children on and off reserves, as well as educational and income attainments of Aboriginal peoples in Canada compared with non-Aboriginal people.
10. We call on the federal government to draft new Aboriginal education legislation with the full participation and informed consent of Aboriginal peoples. The new legislation would include a commitment to sufficient funding and would incorporate the following principles:
 - i. Providing sufficient funding to close identified educational achievement gaps within one generation.
 - ii. Improving education attainment levels and success rates.
 - iii. Developing culturally appropriate curricula.
 - iv. Protecting the right to Aboriginal languages, including the teaching of Aboriginal languages as credit courses.
 - v. Enabling parental and community responsibility, control, and accountability, similar to what parents enjoy in public school systems.
 - vi. Enabling parents to fully participate in the education of their children.
 - vii. Respecting and honouring Treaty relationships.
11. We call upon the federal government to provide adequate funding to end the backlog of First Nations students seeking a post-secondary education.
12. We call upon the federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate early childhood education programs for Aboriginal families.

LANGUAGE AND CULTURE

13. We call upon the federal government to acknowledge that Aboriginal rights include Aboriginal language rights.

14. We call upon the federal government to enact an Aboriginal Languages Act that incorporates the following principles:

- i. Aboriginal languages are a fundamental and valued element of Canadian culture and society, and there is an urgency to preserve them.
- ii. Aboriginal language rights are reinforced by the Treaties.
- iii. The federal government has a responsibility to provide sufficient funds for Aboriginal-language revitalization and preservation.
- iv. The preservation, revitalization, and strengthening of Aboriginal languages and cultures are best managed by Aboriginal people and communities.
- v. Funding for Aboriginal language initiatives must reflect the diversity of Aboriginal languages.

15. We call upon the federal government to appoint, in consultation with Aboriginal groups, an Aboriginal Languages Commissioner. The commissioner should help promote Aboriginal languages and report on the adequacy of federal funding of Aboriginal-language initiatives.
16. We call upon post-secondary institutions to create university and college degree and diploma programs in Aboriginal languages.
17. We call upon all levels of government to enable residential school Survivors and their families to reclaim names changed by the residential school system by waiving administrative costs for a period of five years for the name-change process and the revision of official identity documents, such as birth certificates, passports, driver's licenses, health cards, status cards, and social insurance numbers.

HEALTH

18. We call upon the federal, provincial, territorial, and Aboriginal governments to acknowledge that the current state of Aboriginal health in Canada is a direct result of previous Canadian government policies, including residential schools, and to recognize and implement the health-care rights of Aboriginal people as identified in international law, constitutional law, and under the Treaties.
19. We call upon the federal government, in consultation with Aboriginal peoples, to establish measurable goals to identify and close the gaps in health outcomes

between Aboriginal and non-Aboriginal communities, and to publish annual progress reports and assess long-term trends. Such efforts would focus on indicators such as: infant mortality, maternal health, suicide, mental health, addictions, life expectancy, birth rates, infant and child health issues, chronic diseases, illness and injury incidence, and the availability of appropriate health services.

20. In order to address the jurisdictional disputes concerning Aboriginal people who do not reside on reserves, we call upon the federal government to recognize, respect, and address the distinct health needs of the Métis, Inuit, and off-reserve Aboriginal peoples.
21. We call upon the federal government to provide sustainable funding for existing and new Aboriginal healing centres to address the physical, mental, emotional, and spiritual harms caused by residential schools, and to ensure that the funding of healing centres in Nunavut and the Northwest Territories is a priority.
22. We call upon those who can effect change within the Canadian health-care system to recognize the value of Aboriginal healing practices and use them in the treatment of Aboriginal patients in collaboration with Aboriginal healers and Elders where requested by Aboriginal patients.
23. We call upon all levels of government to:
 - i. Increase the number of Aboriginal professionals working in the health-care field.
 - ii. Ensure the retention of Aboriginal health-care providers in Aboriginal communities.
 - iii. Provide cultural competency training for all health-care professionals.
24. We call upon medical and nursing schools in Canada to require all students to take a course dealing with Aboriginal health issues, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, and Indigenous teachings and practices. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

JUSTICE

25. We call upon the federal government to establish a written policy that reaffirms the independence of the

Royal Canadian Mounted Police to investigate crimes in which the government has its own interest as a potential or real party in civil litigation.

26. We call upon the federal, provincial, and territorial governments to review and amend their respective statutes of limitations to ensure that they conform to the principle that governments and other entities cannot rely on limitation defences to defend legal actions of historical abuse brought by Aboriginal people.
27. We call upon the Federation of Law Societies of Canada to ensure that lawyers receive appropriate cultural competency training, which includes the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.
28. We call upon law schools in Canada to require all law students to take a course in Aboriginal people and the law, which includes the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.
29. We call upon the parties and, in particular, the federal government, to work collaboratively with plaintiffs not included in the Indian Residential Schools Settlement Agreement to have disputed legal issues determined expeditiously on an agreed set of facts.
30. We call upon federal, provincial, and territorial governments to commit to eliminating the overrepresentation of Aboriginal people in custody over the next decade, and to issue detailed annual reports that monitor and evaluate progress in doing so.
31. We call upon the federal, provincial, and territorial governments to provide sufficient and stable funding to implement and evaluate community sanctions that will provide realistic alternatives to imprisonment for Aboriginal offenders and respond to the underlying causes of offending.
32. We call upon the federal government to amend the Criminal Code to allow trial judges, upon giving reasons, to depart from mandatory minimum sentences and restrictions on the use of conditional sentences.

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33. We call upon the federal, provincial, and territorial governments to recognize as a high priority the need to address and prevent Fetal Alcohol Spectrum Disorder (FASD), and to develop, in collaboration with Aboriginal people, FASD preventive programs that can be delivered in a culturally appropriate manner.
34. We call upon the governments of Canada, the provinces, and territories to undertake reforms to the criminal justice system to better address the needs of offenders with Fetal Alcohol Spectrum Disorder (FASD), including:
 - i. Providing increased community resources and powers for courts to ensure that FASD is properly diagnosed, and that appropriate community supports are in place for those with FASD.
 - ii. Enacting statutory exemptions from mandatory minimum sentences of imprisonment for offenders affected by FASD.
 - iii. Providing community, correctional, and parole resources to maximize the ability of people with FASD to live in the community.
 - iv. Adopting appropriate evaluation mechanisms to measure the effectiveness of such programs and ensure community safety.
35. We call upon the federal government to eliminate barriers to the creation of additional Aboriginal healing lodges within the federal correctional system.
36. We call upon the federal, provincial, and territorial governments to work with Aboriginal communities to provide culturally relevant services to inmates on issues such as substance abuse, family and domestic violence, and overcoming the experience of having been sexually abused.
37. We call upon the federal government to provide more supports for Aboriginal programming in halfway houses and parole services.
38. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to eliminating the overrepresentation of Aboriginal youth in custody over the next decade.
39. We call upon the federal government to develop a national plan to collect and publish data on the criminal victimization of Aboriginal people, including data related to homicide and family violence victimization.

40. We call on all levels of government, in collaboration with Aboriginal people, to create adequately funded and accessible Aboriginal-specific victim programs and services with appropriate evaluation mechanisms.
41. We call upon the federal government, in consultation with Aboriginal organizations, to appoint a public inquiry into the causes of, and remedies for, the disproportionate victimization of Aboriginal women and girls. The inquiry's mandate would include:
 - i. Investigation into missing and murdered Aboriginal women and girls.
 - ii. Links to the intergenerational legacy of residential schools.
42. We call upon the federal, provincial, and territorial governments to commit to the recognition and implementation of Aboriginal justice systems in a manner consistent with the Treaty and Aboriginal rights of Aboriginal peoples, the *Constitution Act, 1982*, and the *United Nations Declaration on the Rights of Indigenous Peoples*, endorsed by Canada in November 2012.

Reconciliation

CANADIAN GOVERNMENTS AND THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLE

43. We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation.
44. We call upon the Government of Canada to develop a national action plan, strategies, and other concrete measures to achieve the goals of the *United Nations Declaration on the Rights of Indigenous Peoples*.

ROYAL PROCLAMATION AND COVENANT OF RECONCILIATION

45. We call upon the Government of Canada, on behalf of all Canadians, to jointly develop with Aboriginal peoples a Royal Proclamation of Reconciliation to be issued by the Crown. The proclamation would build on the Royal Proclamation of 1763 and the Treaty of Niagara of 1764, and reaffirm the nation-to-nation relationship between Aboriginal peoples and the Crown. The proclamation would include, but not be limited to, the following commitments:

- i. Repudiate concepts used to justify European sovereignty over Indigenous lands and peoples such as the Doctrine of Discovery and *terra nullius*.
 - ii. Adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation.
 - iii. Renew or establish Treaty relationships based on principles of mutual recognition, mutual respect, and shared responsibility for maintaining those relationships into the future.
 - iv. Reconcile Aboriginal and Crown constitutional and legal orders to ensure that Aboriginal peoples are full partners in Confederation, including the recognition and integration of Indigenous laws and legal traditions in negotiation and implementation processes involving Treaties, land claims, and other constructive agreements.
46. We call upon the parties to the Indian Residential Schools Settlement Agreement to develop and sign a Covenant of Reconciliation that would identify principles for working collaboratively to advance reconciliation in Canadian society, and that would include, but not be limited to:
- i. Reaffirmation of the parties' commitment to reconciliation.
 - ii. Repudiation of concepts used to justify European sovereignty over Indigenous lands and peoples, such as the Doctrine of Discovery and *terra nullius*, and the reformation of laws, governance structures, and policies within their respective institutions that continue to rely on such concepts.
 - iii. Full adoption and implementation of the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation.
 - iv. Support for the renewal or establishment of Treaty relationships based on principles of mutual recognition, mutual respect, and shared responsibility for maintaining those relationships into the future.
 - v. Enabling those excluded from the Settlement Agreement to sign onto the Covenant of Reconciliation.
 - vi. Enabling additional parties to sign onto the Covenant of Reconciliation.

47. We call upon federal, provincial, territorial, and municipal governments to repudiate concepts used to justify European sovereignty over Indigenous peoples and lands, such as the Doctrine of Discovery and *terra nullius*, and to reform those laws, government policies, and litigation strategies that continue to rely on such concepts.

SETTLEMENT AGREEMENT PARTIES AND THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

48. We call upon the church parties to the Settlement Agreement, and all other faith groups and interfaith social justice groups in Canada who have not already done so, to formally adopt and comply with the principles, norms, and standards of the *United Nations Declaration on the Rights of Indigenous Peoples* as a framework for reconciliation. This would include, but not be limited to, the following commitments:
- i. Ensuring that their institutions, policies, programs, and practices comply with the *United Nations Declaration on the Rights of Indigenous Peoples*.
 - ii. Respecting Indigenous peoples' right to self-determination in spiritual matters, including the right to practise, develop, and teach their own spiritual and religious traditions, customs, and ceremonies, consistent with Article 12:1 of the *United Nations Declaration on the Rights of Indigenous Peoples*.
 - iii. Engaging in ongoing public dialogue and actions to support the *United Nations Declaration on the Rights of Indigenous Peoples*.
 - iv. Issuing a statement no later than March 31, 2016, from all religious denominations and faith groups, as to how they will implement the *United Nations Declaration on the Rights of Indigenous Peoples*.
49. We call upon all religious denominations and faith groups who have not already done so to repudiate concepts used to justify European sovereignty over Indigenous lands and peoples, such as the Doctrine of Discovery and *terra nullius*.

EQUITY FOR ABORIGINAL PEOPLE IN THE LEGAL SYSTEM

50. In keeping with the *United Nations Declaration on the Rights of Indigenous Peoples*, we call upon the federal government, in collaboration with Aboriginal organizations, to fund the establishment of Indigenous law institutes for the development, use, and

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understanding of Indigenous laws and access to justice in accordance with the unique cultures of Aboriginal peoples in Canada.

51. We call upon the Government of Canada, as an obligation of its fiduciary responsibility, to develop a policy of transparency by publishing legal opinions it develops and upon which it acts or intends to act, in regard to the scope and extent of Aboriginal and Treaty rights.
52. We call upon the Government of Canada, provincial and territorial governments, and the courts to adopt the following legal principles:
 - i. Aboriginal title claims are accepted once the Aboriginal claimant has established occupation over a particular territory at a particular point in time.
 - ii. Once Aboriginal title has been established, the burden of proving any limitation on any rights arising from the existence of that title shifts to the party asserting such a limitation.

NATIONAL COUNCIL FOR RECONCILIATION

53. We call upon the Parliament of Canada, in consultation and collaboration with Aboriginal peoples, to enact legislation to establish a National Council for Reconciliation. The legislation would establish the council as an independent, national, oversight body with membership jointly appointed by the Government of Canada and national Aboriginal organizations, and consisting of Aboriginal and non-Aboriginal members. Its mandate would include, but not be limited to, the following:
 - i. Monitor, evaluate, and report annually to Parliament and the people of Canada on the Government of Canada's post-apology progress on reconciliation to ensure that government accountability for reconciling the relationship between Aboriginal peoples and the Crown is maintained in the coming years.
 - ii. Monitor, evaluate, and report to Parliament and the people of Canada on reconciliation progress across all levels and sectors of Canadian society, including the implementation of the Truth and Reconciliation Commission of Canada's Calls to Action.
 - iii. Develop and implement a multi-year National Action Plan for Reconciliation, which includes research and policy development, public education programs, and resources.

iv. Promote public dialogue, public/private partnerships, and public initiatives for reconciliation.

54. We call upon the Government of Canada to provide multi-year funding for the National Council for Reconciliation to ensure that it has the financial, human, and technical resources required to conduct its work, including the endowment of a National Reconciliation Trust to advance the cause of reconciliation.
55. We call upon all levels of government to provide annual reports or any current data requested by the National Council for Reconciliation so that it can report on the progress towards reconciliation. The reports or data would include, but not be limited to:
 - i. The number of Aboriginal children—including Métis and Inuit children—in care, compared with non-Aboriginal children, the reasons for apprehension, and the total spending on preventive and care services by child-welfare agencies.
 - ii. Comparative funding for the education of First Nations children on and off reserves.
 - iii. The educational and income attainments of Aboriginal peoples in Canada compared with non-Aboriginal people.
 - iv. Progress on closing the gaps between Aboriginal and non-Aboriginal communities in a number of health indicators such as: infant mortality, maternal health, suicide, mental health, addictions, life expectancy, birth rates, infant and child health issues, chronic diseases, illness and injury incidence, and the availability of appropriate health services.
 - v. Progress on eliminating the overrepresentation of Aboriginal children in youth custody over the next decade.
 - vi. Progress on reducing the rate of criminal victimization of Aboriginal people, including data related to homicide and family violence victimization and other crimes.
 - vii. Progress on reducing the overrepresentation of Aboriginal people in the justice and correctional systems.
56. We call upon the prime minister of Canada to formally respond to the report of the National Council for Reconciliation by issuing an annual "State of Aboriginal Peoples" report, which would outline the government's plans for advancing the cause of reconciliation.

PROFESSIONAL DEVELOPMENT AND TRAINING FOR PUBLIC SERVANTS

57. We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

CHURCH APOLOGIES AND RECONCILIATION

58. We call upon the Pope to issue an apology to Survivors, their families, and communities for the Roman Catholic Church's role in the spiritual, cultural, emotional, physical, and sexual abuse of First Nations, Inuit, and Métis children in Catholic-run residential schools. We call for that apology to be similar to the 2010 apology issued to Irish victims of abuse and to occur within one year of the issuing of this Report and to be delivered by the Pope in Canada.
59. We call upon church parties to the Settlement Agreement to develop ongoing education strategies to ensure that their respective congregations learn about their church's role in colonization, the history and legacy of residential schools, and why apologies to former residential school students, their families, and communities were necessary.
60. We call upon leaders of the church parties to the Settlement Agreement and all other faiths, in collaboration with Indigenous spiritual leaders, Survivors, schools of theology, seminaries, and other religious training centres, to develop and teach curriculum for all student clergy, and all clergy and staff who work in Aboriginal communities, on the need to respect Indigenous spirituality in its own right, the history and legacy of residential schools and the roles of the church parties in that system, the history and legacy of religious conflict in Aboriginal families and communities, and the responsibility that churches have to mitigate such conflicts and prevent spiritual violence.
61. We call upon church parties to the Settlement Agreement, in collaboration with Survivors and representatives of Aboriginal organizations, to establish permanent funding to Aboriginal people for:
- Community-controlled healing and reconciliation projects.

- Community-controlled culture- and language-revitalization projects.
- Community-controlled education and relationship-building projects.
- Regional dialogues for Indigenous spiritual leaders and youth to discuss Indigenous spirituality, self-determination, and reconciliation.

EDUCATION FOR RECONCILIATION

62. We call upon the federal, provincial, and territorial governments, in consultation and collaboration with Survivors, Aboriginal peoples, and educators, to:
- Make age-appropriate curriculum on residential schools, Treaties, and Aboriginal peoples' historical and contemporary contributions to Canada a mandatory education requirement for Kindergarten to Grade Twelve students.
 - Provide the necessary funding to post-secondary institutions to educate teachers on how to integrate Indigenous knowledge and teaching methods into classrooms.
 - Provide the necessary funding to Aboriginal schools to utilize Indigenous knowledge and teaching methods in classrooms.
 - Establish senior-level positions in government at the assistant deputy minister level or higher dedicated to Aboriginal content in education.
63. We call upon the Council of Ministers of Education, Canada to maintain an annual commitment to Aboriginal education issues, including:
- Developing and implementing Kindergarten to Grade Twelve curriculum and learning resources on Aboriginal peoples in Canadian history, and the history and legacy of residential schools.
 - Sharing information and best practices on teaching curriculum related to residential schools and Aboriginal history.
 - Building student capacity for intercultural understanding, empathy, and mutual respect.
 - Identifying teacher-training needs relating to the above.
64. We call upon all levels of government that provide public funds to denominational schools to require such schools to provide an education on comparative religious studies, which must include a segment on

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Aboriginal spiritual beliefs and practices developed in collaboration with Aboriginal Elders.

65. We call upon the federal government, through the Social Sciences and Humanities Research Council, and in collaboration with Aboriginal peoples, post-secondary institutions and educators, and the National Centre for Truth and Reconciliation and its partner institutions, to establish a national research program with multi-year funding to advance understanding of reconciliation.

YOUTH PROGRAMS

66. We call upon the federal government to establish multi-year funding for community-based youth organizations to deliver programs on reconciliation, and establish a national network to share information and best practices.

MUSEUMS AND ARCHIVES

67. We call upon the federal government to provide funding to the Canadian Museums Association to undertake, in collaboration with Aboriginal peoples, a national review of museum policies and best practices to determine the level of compliance with the *United Nations Declaration on the Rights of Indigenous Peoples* and to make recommendations.
68. We call upon the federal government, in collaboration with Aboriginal peoples, and the Canadian Museums Association to mark the 150th anniversary of Canadian Confederation in 2017 by establishing a dedicated national funding program for commemoration projects on the theme of reconciliation.
69. We call upon Library and Archives Canada to:
- Fully adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* and the *United Nations Joint-Orientlicher Principles*, as related to Aboriginal peoples' inalienable right to know the truth about what happened and why, with regard to human rights violations committed against them in the residential schools.
 - Ensure that its record holdings related to residential schools are accessible to the public.
 - Commit more resources to its public education materials and programming on residential schools.
70. We call upon the federal government to provide funding to the Canadian Association of Archivists to undertake, in collaboration with Aboriginal peoples, a national review of archival policies and best practices to:

- Determine the level of compliance with the *United Nations Declaration on the Rights of Indigenous Peoples* and the *United Nations Joint-Orientlicher Principles*, as related to Aboriginal peoples' inalienable right to know the truth about what happened and why, with regard to human rights violations committed against them in the residential schools.
- Produce a report with recommendations for full implementation of these international mechanisms as a reconciliation framework for Canadian archives.

MISSING CHILDREN AND BURIAL INFORMATION

71. We call upon all chief coroners and provincial vital statistics agencies that have not provided to the Truth and Reconciliation Commission of Canada their records on the deaths of Aboriginal children in the care of residential school authorities to make these documents available to the National Centre for Truth and Reconciliation.
72. We call upon the federal government to allocate sufficient resources to the National Centre for Truth and Reconciliation to allow it to develop and maintain the National Residential School Student Death Register established by the Truth and Reconciliation Commission of Canada.
73. We call upon the federal government to work with churches, Aboriginal communities, and former residential school students to establish and maintain an online registry of residential school cemeteries, including, where possible, plot maps showing the location of deceased residential school children.
74. We call upon the federal government to work with the churches and Aboriginal community leaders to inform the families of children who died at residential schools of the child's burial location, and to respond to families' wishes for appropriate commemoration ceremonies and markers, and reburial in home communities where requested.
75. We call upon the federal government to work with provincial, territorial, and municipal governments, churches, Aboriginal communities, former residential school students, and current landowners to develop and implement strategies and procedures for the ongoing identification, documentation, maintenance, commemoration, and protection of residential school cemeteries or other sites at which residential school children were buried. This is to include the provision of

appropriate memorial ceremonies and commemorative markers to honour the deceased children.

76. We call upon the parties engaged in the work of documenting, maintaining, commemorating, and protecting residential school cemeteries to adopt strategies in accordance with the following principles:
- The Aboriginal community most affected shall lead the development of such strategies.
 - Information shall be sought from residential school Survivors and other Knowledge Keepers in the development of such strategies.
 - Aboriginal protocols shall be respected before any potentially invasive technical inspection and investigation of a cemetery site.

NATIONAL CENTRE FOR TRUTH AND RECONCILIATION

77. We call upon provincial, territorial, municipal, and community archives to work collaboratively with the National Centre for Truth and Reconciliation to identify and collect copies of all records relevant to the history and legacy of the residential school system, and to provide these to the National Centre for Truth and Reconciliation.
78. We call upon the Government of Canada to commit to making a funding contribution of \$10 million over seven years to the National Centre for Truth and Reconciliation, plus an additional amount to assist communities to research and produce histories of their own residential school experience and their involvement in truth, healing, and reconciliation.

COMMEMORATION

79. We call upon the federal government, in collaboration with Survivors, Aboriginal organizations, and the arts community, to develop a reconciliation framework for Canadian heritage and commemoration. This would include, but not be limited to:
- Amending the Historic Sites and Monuments Act to include First Nations, Inuit, and Métis representation on the Historic Sites and Monuments Board of Canada and its Secretariat.
 - Revising the policies, criteria, and practices of the National Program of Historical Commemoration to integrate Indigenous history, heritage values, and memory practices into Canada's national heritage and history.

- Developing and implementing a national heritage plan and strategy for commemorating residential school sites, the history and legacy of residential schools, and the contributions of Aboriginal peoples to Canada's history.

80. We call upon the federal government, in collaboration with Aboriginal peoples, to establish, as a statutory holiday, a National Day for Truth and Reconciliation to honour Survivors, their families, and communities, and ensure that public commemoration of the history and legacy of residential schools remains a vital component of the reconciliation process.
81. We call upon the federal government, in collaboration with Survivors and their organizations, and other parties to the Settlement Agreement, to commission and install a publicly accessible, highly visible, Residential Schools National Monument in the city of Ottawa to honour Survivors and all the children who were lost to their families and communities.
82. We call upon provincial and territorial governments, in collaboration with Survivors and their organizations, and other parties to the Settlement Agreement, to commission and install a publicly accessible, highly visible, Residential Schools Monument in each capital city to honour Survivors and all the children who were lost to their families and communities.
83. We call upon the Canada Council for the Arts to establish, as a funding priority, a strategy for Indigenous and non-Indigenous artists to undertake collaborative projects and produce works that contribute to the reconciliation process.

MEDIA AND RECONCILIATION

84. We call upon the federal government to restore and increase funding to the CBC/Radio-Canada, to enable Canada's national public broadcaster to support reconciliation, and be properly reflective of the diverse cultures, languages, and perspectives of Aboriginal peoples, including, but not limited to:
- Increasing Aboriginal programming, including Aboriginal-language speakers.
 - Increasing equitable access for Aboriginal peoples to jobs, leadership positions, and professional development opportunities within the organization.
 - Continuing to provide dedicated news coverage and online public information resources on issues of concern to Aboriginal peoples and all Canadians,

including the history and legacy of residential schools and the reconciliation process.

85. We call upon the Aboriginal Peoples Television Network, as an independent non-profit broadcaster with programming by, for, and about Aboriginal peoples, to support reconciliation, including but not limited to:
 - i. Continuing to provide leadership in programming and organizational culture that reflects the diverse cultures, languages, and perspectives of Aboriginal peoples.
 - ii. Continuing to develop media initiatives that inform and educate the Canadian public, and connect Aboriginal and non-Aboriginal Canadians.
86. We call upon Canadian journalism programs and media schools to require education for all students on the history of Aboriginal peoples, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations.

SPORTS AND RECONCILIATION

87. We call upon all levels of government, in collaboration with Aboriginal peoples, sports halls of fame, and other relevant organizations, to provide public education that tells the national story of Aboriginal athletes in history.
88. We call upon all levels of government to take action to ensure long-term Aboriginal athlete development and growth, and continued support for the North American Indigenous Games, including funding to host the games and for provincial and territorial team preparation and travel.
89. We call upon the federal government to amend the Physical Activity and Sport Act to support reconciliation by ensuring that policies to promote physical activity as a fundamental element of health and well-being, reduce barriers to sports participation, increase the pursuit of excellence in sport, and build capacity in the Canadian sport system, are inclusive of Aboriginal peoples.
90. We call upon the federal government to ensure that national sports policies, programs, and initiatives are inclusive of Aboriginal peoples, including, but not limited to, establishing:
 - i. In collaboration with provincial and territorial governments, stable funding for, and access to, community sports programs that reflect the diverse

cultures and traditional sporting activities of Aboriginal peoples.

- ii. An elite athlete development program for Aboriginal athletes.
 - iii. Programs for coaches, trainers, and sports officials that are culturally relevant for Aboriginal peoples.
 - iv. Anti-racism awareness and training programs.
91. We call upon the officials and host countries of international sporting events such as the Olympics, Pan Am, and Commonwealth games to ensure that Indigenous peoples' territorial protocols are respected, and local Indigenous communities are engaged in all aspects of planning and participating in such events.

BUSINESS AND RECONCILIATION

92. We call upon the corporate sector in Canada to adopt the *United Nations Declaration on the Rights of Indigenous Peoples* as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources. This would include, but not be limited to, the following:
 - i. Commit to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects.
 - ii. Ensure that Aboriginal peoples have equitable access to jobs, training, and education opportunities in the corporate sector, and that Aboriginal communities gain long-term sustainable benefits from economic development projects.
 - iii. Provide education for management and staff on the history of Aboriginal peoples, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills based training in intercultural competency, conflict resolution, human rights, and anti-racism.

NEWCOMERS TO CANADA

93. We call upon the federal government, in collaboration with the national Aboriginal organizations, to revise the information kit for newcomers to Canada and its citizenship test to reflect a more inclusive history of the diverse Aboriginal peoples of Canada, including

information about the Treaties and the history of residential schools.

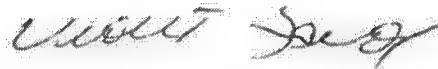
94. We call upon the Government of Canada to replace the Oath of Citizenship with the following:

I swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Queen of Canada, Her Heirs and Successors, and that I will faithfully observe the laws of Canada including Treaties with Indigenous Peoples, and fulfill my duties as a Canadian citizen.

Truth and Reconciliation Commission of Canada

1500-360 Main Street
Winnipeg, Manitoba
R3C 3Z3
Telephone: (204) 984-5885
Toll Free: 1-888-872-5554 (1-888-TRC-5554)
Fax: (204) 984-5915
E-mail: info@trc.ca
Website: www.trc.ca

The following is Exhibit "D"
referred to in the Affidavit of Jonathan Thompson
affirmed before me 20th day of December 2016



a Commissioner, etc.

LSU # 60899K

**ANNUAL GENERAL ASSEMBLY
JULY 12, 13, & 14, 2016; NIAGARA FALLS, ON**

Resolution no. 62/2016

TITLE: Full and Proper Implementation of the historic Canadian Human Rights Tribunal decisions in the provision of child welfare services and Jordan's Principle

SUBJECT: Child Welfare

MOVED BY: Cheryl Casimer, Proxy, Tobacco Plains Indian Band, BC

SECONDED BY: Chief Ian Campbell, Squamish Nation, BC

DECISION Carried by Consensus

WHEREAS:

- A. The Federal Government of Canada funds First Nations child and family services on reserve through Indigenous and Northern Affairs Canada (INAC).
- B. Jordan's Principle is a child-first principle which provides, in the matter of public services available to all other children, that where jurisdictional disputes arise between Canada and a province or territory, or between government departments in the same government, the government or department of first contact pays for the service, and can seek reimbursement from another government or department after the fact.
- C. As an example, First Nations children in British Columbia are funded in accordance with Directive 20-1 which provides the lowest level of child welfare funding among INAC's four funding approaches. This means that culturally based prevention services to keep children safely at home are not available, contributing to growing numbers of children in foster care.
- D. In 2007, the First Nations Child and Family Caring Society of Canada (the Caring Society) and the Assembly of First Nations (AFN) filed a complaint pursuant to the *Canadian Human Rights Act* alleging that INAC's provision of First Nations child and family services to over 163,000 First Nations children is discriminatory and that implementation of Jordan's Principle is flawed, inequitable and thus discriminatory under the *Canadian Human Rights Act* (CHRT 1340/7008).

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- E. On January 26, 2016, the Canadian Human Rights Tribunal (the Tribunal) issued its decision (2016 CHRT 2) regarding the complaint filed in February 2007 by the Caring Society and the AFN, finding among other things that:
- I. Canada's design, management and control of the First Nations Child and Family Services Program (FNCFS), along with its corresponding funding formulas and the other related provincial/territorial agreements, have resulted in the denial of services to many First Nations children and families living on-reserve and that the FNCFS Program resulted in adverse impacts for them because it was based on flawed assumptions about First Nations communities that did not reflect the actual needs of those communities.
 - II. The FNCFS Program's two main funding mechanisms incentivized removing First Nations' children from their families.
 - III. INAC's narrow interpretation and implementation of Jordan's Principle results in service gaps, delays or denials, and overall adverse impacts on First Nations children and families on-reserve.
 - IV. The racial discrimination arising from Canada's provision of the First Nations Child and Family Services Program and failure to implement Jordan's Principle is widening the historical disadvantage of residential schools.
- F. Subsequent to the Tribunal's decision, Canada unilaterally announced the budget allotments for First Nations child and family services without meaningful consultation with First Nations and unilaterally made an announcement about Jordan's Principle without meaningful consultation with First Nations. Budget 2016 is a five year budgetary plan where \$71 million is provided for child and family services for fiscal 2016/2017 and 54% of the planned funding is allocated for the year of the next federal election or the year after. This incremental budget approach fails to adequately consider children's development and the severity of the harms posed to children by unnecessary removals from their families.
- G. Such actions and impacts are inconsistent with the *United Nations Convention on the Rights of the Child* and articles of the *United Nations Declaration on the Rights of Indigenous Peoples*, which states:
- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.
 - ii. Article 22 (2): States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

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- iii. INAC's narrow interpretation and implementation of Jordan's Principle results in service gaps, delays or denials, and overall adverse impacts on First Nations children and families on-reserve.
 - iv. The racial discrimination arising from Canada's provision of the First Nations Child and Family Services Program and failure to implement Jordan's Principle is widening the historical disadvantage of residential schools
- H. In its decision, the Tribunal made several orders, including:
- i. Cease its discriminatory practices regarding the FNCFS Program and reform the program.
 - ii. Cease applying a narrow definition of Jordan's Principle.
 - iii. Take measures to immediately implement the full meaning and scope of Jordan's Principle.
- I. The Tribunal also retained jurisdiction over the complaint to allow for gathering of further information regarding the immediate and long-term remedies sought by the Caring Society and the AFN, and to seek further information regarding the compensation sought for First Nations children impacted by child welfare practices on-reserve between 2006 and January 26, 2016.
- J. On April 26, 2016, the Tribunal issued a second decision (2016 CHRT 10) expressing concern with Canada's compliance with 2016 CHRT 2 and compelling Canada to confirm implementation of Jordan's Principle by May 10, 2016 and file detailed reports regarding its compliance with the non-discrimination order regarding First Nations Child and Family Services funding.
- K. The Tribunal is expected to issue a third order on remedies in the coming weeks.
- L. Prime Minister Justin Trudeau committed to implement all 94 Calls to Action of the Truth and Reconciliation Commission. A number of Calls to Action urge all levels of government to reduce the number of Aboriginal children in care and to provide adequate resources to support communities and child-welfare organizations in keeping families together.
- M. The Tribunal's order coupled with the Government of Canada's commitment to reconciliation requires that the federal government take immediate action.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

- 1. Respectfully call upon the Government of Canada to:
 - a. Honour its commitment to fully implement the Truth and Reconciliation Commission's recommendations regarding children and families.

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- b. Take immediate and concrete actions to implement and honor the Canadian Human Rights Tribunal findings in *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada* (2016 CHRT 2) and all subsequent orders, and implement Jordan's Principle across all First Nations and all federal government services.
 - c. Allocate sufficient resources immediately to remedy the discrimination against children and their families, taking into full account the best interests of First Nations children, their vulnerability, development, and the significant harms posed by unnecessary placements in child welfare care resulting from insufficient and discriminatory prevention services.
 - d. Immediately and fully implement the measures outlined in the document entitled "First steps in fixing the inequities in First Nations child and family services: Immediate action reforms, Directive 20-1" and "First steps in fixing the inequities in First Nations child and family services: Immediate reforms, Enhanced Prevention Focused Approach" and "First steps in fixing the inequities in First Nations child and family services: Immediate reforms, 1965 Indian Welfare Agreement" to provide some immediate relief to the children's suffering while the longer-term issues are resolved.
 - e. Cease unilateral action without consultation with First Nations and cease engaging in bi-lateral discussions with provinces and/or territories regarding First Nations children without the participation of First Nations, and fully commit to full consultation with First Nations and First Nations child and family service agencies and the parties to *First Nations Child and Family Caring Society of Canada v. Attorney General of Canada* (CHRT 1340/7008) to fully remedy the discrimination.
2. Support the revitalization of the AFN National Advisory Committee on child and family services with equal representation of First Nations across the country.

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The following is Exhibit "E"
referred to in the Affidavit of Jonathan Thompson
affirmed before me 20th day of December 2016

Cloutier Joud

a Commissioner, etc.

LSuc # 60899K

**SPECIAL CHIEFS ASSEMBLY
DECEMBER 6, 7, & 8, 2016; GATINEAU, QC**

Resolution no. 83/2016

TITLE: National Advisory Committee on INAC's Child Welfare Reform Engagement Strategy

SUBJECT: Child Welfare

MOVED BY: Chief Lynn Acoose, Sakimay First Nation, SK

SECONDED BY: Chief Arnold Paul, Temagami First Nation, ON

DECISION Carried by Consensus

WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 15 (2): States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.
 - ii. Article 17 (2): States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.
- B.** The Truth and Reconciliation Commission of Canada Calls to Action #1 and #3 affirm the need to address First Nation child welfare reform and to fully implement Jordan's Principle. The Prime Minister of Canada has formally agreed to implement all of the Calls to Action.

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**SPECIAL CHIEFS ASSEMBLY
DECEMBER 6, 7, & 8, 2016; GATINEAU, QC**

Resolution no. 83/2016

- C. In 2007, the First Nations Child and Family Caring Society of Canada (the Caring Society) and the Assembly of First Nations (AFN) filed a complaint pursuant to the *Canadian Human Rights Act* alleging that Indigenous and Northern Affairs Canada's (INAC) provision of First Nations child and family services to over 163,000 First Nations children is discriminatory and that implementation of Jordan's Principle is flawed, inequitable and thus discriminatory under the *Canadian Human Rights Act* (CHRT 1340/7008).
- D. On January 26, 2016, the Canadian Human Rights Tribunal (CHRT) issued its decision (2016 CHRT 2) regarding the complaint filed in February 2007 by the Caring Society and the AFN. The CHRT substantiated the complaint and concluded that First Nations children and families living on reserve and in the Yukon are discriminated against in the provision of child and family services by INAC and further found that Canada's implementation of Jordan's Principle is discriminatory. In its decision, the CHRT made several orders, including:
- i. Cease its discriminatory practices, and reform the First Nation Child and Family Services program (FNCFS).
 - ii. Cease applying a narrow definition of Jordan's Principle.
 - iii. Take measures to immediately implement the full meaning and scope of Jordan's Principle.
- E. Shortly after the CHRT January 26, 2016 decision, the AFN and the Caring Society initiated discussions with INAC to re-establish the National Advisory Committee (NAC) and Regional Tables to oversee recommendations for medium and long term relief related to the CHRT decision and to provide general advice on program reform. The NAC and Regional Tables is a joint committee composed of First Nations child and family service experts appointed by AFN Regional Chiefs, the AFN, the Caring Society, and INAC. This process was used for the Joint National Policy Review of First Nations Child and Family Services (2000) and the Wen:de reports in 2005. INAC agreed to the process in general but failed to respond to correspondence in a timely fashion resulting in substantial and unnecessary delays in establishing the NAC.
- F. On both April 26, 2016, and September 14, 2016, INAC was issued with two supplemental rulings from the CHRT. The CHRT found that INAC compliance to the rulings was inadequate. The CHRT made further specific orders regarding FNCFS funding and ordered Canada to apply Jordan's Principle to all First Nations children on and off reserve, to cease case conferencing before the child receives the service and apply it to all jurisdictional disputes.
- G. In response to Canada's failure to fully comply with the CHRT orders, the NDP tabled an opposition motion on October 27, 2016 calling on the government to comply with the historic rulings of the CHRT ordering the end of discrimination against First Nations children. On November 1, 2016, the NDP motion was unanimously passed by the House of Commons. The motion specifically called for the government to:

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**SPECIAL CHIEFS ASSEMBLY
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- i. Immediately investing an additional \$155 million in new funding for the delivery of child welfare – the identified shortfall for this year – and establish a funding plan for future years that will end the systemic shortfalls in First Nations child welfare.
 - ii. Implement the full definition of Jordan's Principle as outlined in a resolution passed by the House on December 12, 2007.
 - iii. Fully complying with all orders made by the CHRT and stop fighting Indigenous families in court who are seeking access to services covered by the federal government.
 - iv. Make public all pertinent documents related to the overhaul of child welfare and the implementation of Jordan's Principle.
- H. On October 27, 2016, without consulting with the AFN or the Caring Society, INAC Minister Carolyn Bennett appointed a Ministerial Special Representative on First Nations child and family services (MSR) whose role is to advise the government as it executes its engagement strategy with provinces, territories and child welfare agencies to overhaul the FNFCs program.
- I. To date, these engagement processes have been led by the MSR, without consultation with the AFN or the Caring Society. To date, the engagement process appears to have been conducted in an ad hoc manner, absent any terms of reference or accountability mechanisms, needed to clarify the goals and outcomes of the MSR and ensure the work is conducted in a manner consistent with the UN Declaration and domestic law.
- J. In the spirit of Article 15 (2) and 17 (2) of the UN Declaration, accountable engagement processes should be meaningful and guided by clear terms of reference developed in consultation with First Nations and First Nations child and family service agencies that clearly outline the intent, scope, impacts and accountability mechanisms of the engagement. Such procedures have been lacking throughout INAC's engagement plan

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Express deep concern regarding Canada's failure to immediately and fully comply with the Canadian Human Rights Tribunal (CHRT) decisions.
2. Call on Canada to immediately comply with any and all orders issued by the CHRT without reservation.
3. Fully support the opposition motion passed in the House of Commons on November 1, 2016 and call on Canada to take immediate steps to fully comply with the motion.
4. Call on Canada to affirm that the National Advisory Committee (NAC) and Regional Tables process proposed by Assembly of First Nations and the First Nations Child and Family Caring Society is the legitimate process to provide advice to the Chiefs and federal government on First Nations child and family services reform and the implementation on Jordan's Principle.

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**SPECIAL CHIEFS ASSEMBLY
DECEMBER 6, 7, & 8, 2016; GATINEAU, QC**

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5. Call on Canada to immediately provide the information, resources and support necessary for the NAC and Regional Tables process to convene and complete their work.
6. Inform Canada that the Ministerial Special Representative on First Nations child and family services (MSR) engagement process is not a replacement for the NAC and Regional Tables process and in no way should prejudice Canada's full and proper compliance with the CHRT decisions.
7. Call on Canada to immediately refocus the mandate of the MSR to enhance the internal capacity of INAC and other federal departments to implement the CHRT decisions (2016 CHRT 2; 2016 CHRT10; 2016 CHRT 16 and any further orders) and the Truth and Reconciliation Commission of Canada Calls to Action. This includes, but is not limited to, shifting Indigenous and Northern Affairs Canada operating culture to promote non-discrimination, reconciliation, and observance of the United Nations Declaration on the Rights of the Indigenous Peoples and the Organization of American States American Declaration on the Rights of Indigenous Peoples, by designing and delivering professional training and performance measures for every member of the civil service up to and including Deputy Ministers along with any of its agents, successors or assigns related to the provision of services to First Nations peoples on and off reserves.

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PERRY BELLEGARDE, NATIONAL CHIEF

83 – 2016
Page 4 of 4

The following is Exhibit "F"
referred to in the Affidavit of Jonathan Thompson
affirmed before me 20th day of December 2016

Unsub Found

a Commissioner, etc.

LSUC # 60599K

OFFICE OF THE NATIONAL CHIEF

BUREAU DU CHEF NATIONAL

Loi sur l'accès à
l'information

Assembly of First Nations

Assemblée des Premières Nations



February 25, 2016

The Honourable Carolyn Bennett, P.C., M.P.
Indigenous and Northern Affairs Canada
10 Wellington Street
GATINEAU QC K1A 0H4

"Without Prejudice"

FNCFCSC et al v Attorney General of Canada (Tribunal File T1340/7008)

Dear Minister Bennett:

The Assembly of First Nations (AFN) is seeking written confirmation from your office that the federal government will not appeal the recent Canadian Human Rights Tribunal decision regarding the provision of child and family services on reserve. In a speech at the Canadian Bar Association Mid-Winter Meeting on February 20, 2016, the Honourable Jody Wilson-Raybould, Minister of Justice and Attorney General of Canada, stated "I will not be seeking judicial review of this decision. This is part of the new relationship and necessary in terms of the spirit of reconciliation. While we cannot change history, we can address it, learn from it, move forward and lay the foundation for a better future".

While the AFN welcomes the decision not to appeal the Tribunal's ruling, we note that no efforts or program changes have been made to date to end the discriminatory practices by your department. The AFN encourages your department to work with the Complainants in identifying immediate relief that can be implemented in compliance with the Tribunal's Order. We are of the view that this is a prerequisite to any joint negotiation to reform child and family services on-reserve. While the AFN prefers a negotiated settlement, the AFN remains committed to the Canadian Human Rights Tribunal process. We are open to hearing potential solutions to these pressing human rights issues.

.../2

- 2 -

The AFN wishes to make it clear that our willingness to participate in a negotiated settlement is in no way condoning the continuation of discrimination of First Nation children and families on reserve. Indigenous and Northern Affairs Canada should be doing whatever it can to end the discriminatory child welfare policies and practices as quickly as possible. The AFN's willingness to entertain a negotiated settlement should not be a justification for further inaction.

We look forward to our common work to end discrimination against First Nations children without delay.

Sincerely,



Perry Bellegarde
National Chief

c.c.: First Nation Child and Family Caring Society of Canada



The following is Exhibit "G"
referred to in the Affidavit of Jonathan Thompson
affirmed before me 20th day of December 2016

Cherif Daud

a Commissioner, etc.

LSUC # 60899K

Ministre des Affaires
autochtones et du Nord



Minister of Indigenous and
Northern Affairs

Ottawa, Canada K1A 0H4

MAR 01 2016

National Chief Perry Bellegarde
Office of the National Chief
Assembly of First Nations
1600 – 55 Metcalfe Street
OTTAWA ON K1P 6L5

Dear National Chief Bellegarde:

Thank you for your letter of February 25, 2016.

The Government of Canada believes that all First Nation communities deserve adequate program support and funding to ensure the needs of our most vulnerable members of society – First Nation children on reserve, are being met. Accordingly, I can confirm to you that the Government of Canada has decided not to file for judicial review of the January 26 Canadian Human Rights Tribunal's decision and has accepted its findings and conclusions regarding the inadequacy of the First Nations Child and Family Services program. My officials are reviewing the submissions made thus far through the Tribunal and will respond as directed by and within the timeframe set by the Tribunal.

As I have noted in our previous discussions, I am determined to move forward with meaningful and concrete actions to address the Tribunal's decision, both in the immediate and longer term. Meaningful First Nations Child and Family Services program reform requires working in partnership with agencies and front-line service providers, First Nation communities, organizations and leadership, as well as with other federal departments and provinces and territories. Given the reality of First Nation children residing on and off reserve, the multiplicity of jurisdictions and the fundamental importance of First Nation control over the welfare of their children, there is a need to engage fully on both the actions to be taken and the way in which these are to be implemented prior to any substantive change being made. Substantive and long-term change may also require approval of necessary policy and funding authorities prior to implementation.

.../2\

Canada

- 2 -

Action cannot be taken unilaterally on matters like the 1965 Ontario Welfare Agreement, and given that changes to Jordan's Principle will have an impact beyond the immediate parties, engagement with a wide range of stakeholders must be pursued. I have asked my officials to start this engagement work right away by reconstituting, with you and other parties, the National Advisory Committee and Regional Tables. Departmental officials will reach out to you to organize a meeting in the coming days to initiate this dialogue and begin configuring the Committee to include provincial and territorial representation and to add new members as needed.

As soon as short and long-term changes are formalized and approved, Indigenous and Northern Affairs Canada will amend its funding agreements with relevant parties subject to the requirements for notification with the funding recipients.

I am looking forward to our constructive dialogue on this landmark decision and remain firmly committed to the reform of the First Nation Child and Family Services Program. At this time, I look forward to continuing to work collaboratively with issues to ensure lasting change.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carolyn Bennett', with a stylized flourish at the end.

Hon. Carolyn Bennett, M.D., P.C., M.P.

The following is Exhibit "H"
referred to in the Affidavit of Jonathan Thompson
affirmed before me 20th day of December 2016

Robert Jand

a Commissioner, etc.

LSUC #60899K



MAR 15 2016

Jonathan Thompson
Director, Social Services
Assembly of First Nations
55 Metcalfe Street, Suite 1600
OTTAWA ON K1P 6L5

Votre référence - Your file

Notre référence - Our file


Dear Mr. Thompson:

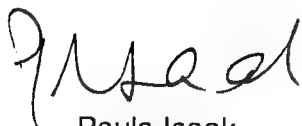
Thank you for your ongoing collaboration and advocacy on behalf of First Nation children. As you are aware, Canada accepts the Canadian Human Rights Tribunal decision and is ready to move forward with the AFN and other partners to make immediate and long term changes to child welfare on reserve.

In the Minister's letter to National Chief Bellegarde (dated March 1, 2016, appended), she expressed her determination to move forward with meaningful and concrete actions. This position was reinforced in the Government's March 10, 2016 submission to the Tribunal which commits to the immediate re-establishment of the National Advisory Committee, further proposing that the Committee be co-chaired with the AFN.

The purpose of my letter is to confirm the AFN's ongoing interest in being Co-Chair of the National Advisory Committee and to invite you to an initial meeting. For ease of reference, please find attached the Terms of Reference (dated 2001) for the Joint AFN/INAC National Advisory Committee. In terms of an initial agenda, I hope that we could discuss the Committee's membership, a proposed way forward, and any items you wish to add.

My officials will contact your office in order to learn of your availability. In the meanwhile, please do not hesitate to contact me should you wish to discuss. In closing, I would offer that we have a unique opportunity, and significant responsibility, to work together to create a better system for children, families, and communities across Canada.

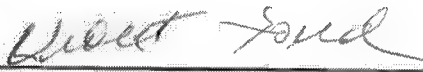
Sincerely,



Paula Isaak
Assistant Deputy Minister
Education and Social Development Programs and Partnerships

Canada

**The following is Exhibit "I"
referred to in the Affidavit of Jonathan Thompson
affirmed before me 20th day of December 2016**



a Commissioner, etc.

LSUC # 60899K



Letter sent via electronic mail

Dear First Nations Child and Family Services Agencies (Executive Directors, Directors, and Managers,

In response to the January 26, 2016 Canadian Human Rights Tribunal decision and the Truth and Reconciliation Commission's Calls to Action, Indigenous and Northern Affairs Canada (INAC) has committed to reform the First Nations Child and Family Services Program (the Program) to address child welfare on reserve. To ensure that our work reflects the needs of all partners, we are engaging with First Nations, provincial and territorial partners, as well as service providers and other experts. We are looking forward to reaching out in the coming weeks to share information about our engagement approach and how we intend to connect with partners and stakeholders.

The purpose of this letter is to offer you two one-time funding opportunities as a part of the engagement and reform process. These two opportunities are available for each Agency and you may apply for one or both of those opportunities.

The funding opportunities are explained in more detail below but in summary are as follows:

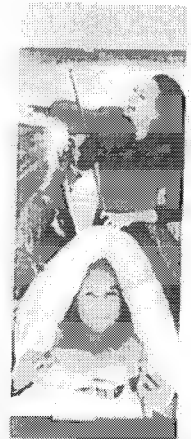
Part 1) INAC will fund \$25,000 for you to provide INAC with information about your Agency's distinct needs and circumstances to inform our thinking on new funding approaches; and/ or

Part 2) INAC will fund up to \$75,000 to develop and implement culturally-based programs and tools for the community (ies) that your Agency serves.

INAC is aware that many agencies are already working in partnership to determine how to address their needs and circumstances as well as to develop and implement culturally-based programs and tools. INAC will support agencies partnering together, and working with other First Nations organizations, to coordinate their participation in this process, given work underway, in various regions.

Part 1: Distinct needs and circumstances

As part of the engagement and reform process, INAC will be examining funding approaches that equip service providers to best address the needs of children and families in the communities they serve. As part of this process, INAC would like to invite you to provide information about your agency's distinct needs and circumstances, the associated costs to meet these needs, and the factors that impact the way you deliver child and family services. This information will help INAC to better understand the reality on the ground, and inform the path forward.



To support you to gather this information, INAC will provide \$25,000 for each agency through your regional INAC office. Please contact them directly. Ideally we would like to receive this information on your needs by June 30, 2017.

INAC is open to agencies describing their actual needs, and the funds required to meet those needs, as they know them best. Some examples of areas agencies may wish to provide information on include:

- 1) The agency's ability to provide prevention services and programs to maintain children safely in their family environment
- 2) The percentage of children in care and families in need in the communities served
- 3) Understanding what services are available in the community and the need for accessing services off-reserve
- 4) The prevention and post-care needs of children and families (e.g. cultural programming, early intervention, prevention, after care services.)
- 5) How remoteness and geographic isolation impacts an agency's ability to provide services (e.g. with respect to travel costs, higher costs of living, other additional costs)
- 6) The caseload ratios of protection and prevention workers needed to provide services and/or achieve results for communities
- 7) How to better understand and mitigate issues of recruitment, retention and training of agency staff
- 8) Needs and options for how best to operate a small agency
- 9) The scope and range of legal fees needed to support children in care
- 10) Building/ capital repair needs
- 11) Any other areas of need and/or particular circumstances you deem applicable to community needs in the area that you serve.

Part 2: Culturally-based programs and tools development and improvement

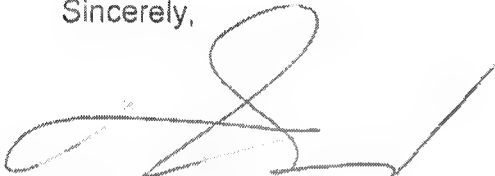
INAC will make available up to \$75,000 for each interested agency to support their development or updating and implementation of:

- a) A culturally-based vision for your programming and service work (e.g., Touchstones of Hope), and/or
- b) Culturally-based child and family service standards/ evaluation mechanisms, and/ or the delivery of programs, development of prevention tool-kits, best practices guides, etc.

This funding will be proposal-based and is available in either 2016-2017 or 2017-2018. Your regional INAC office will be pleased to provide you more detail. For reporting purposes, INAC is interested in receiving documentation that details your visioning work and/ or the program activities or practices work your agency has developed.

We continue to support your work providing child and family services rooted in a culturally respectful and community-based understanding for the needs of healthy children, families and communities as a whole. Throughout the broader Program reform engagement process, INAC will continue to gather information on agency needs and circumstances and want to ensure that we hear from all agencies and service providers. We welcome all suggestions for engaging at the community level that you may have.

Sincerely,

A handwritten signature in black ink, appearing to be 'Margaret Buist', with a large loop at the top and a long horizontal stroke at the bottom.

Margaret Buist

C.c. Provincial or Yukon Government area(s) responsible for Child and Family Services

C.c. INAC Regional Director Generals



Lettre envoyée par courrier électronique

Chers organismes des services à l'enfance et à la famille des Premières Nations
(directeurs exécutifs, directeurs et gestionnaires),

Dans le but de répondre à la décision du Tribunal canadien des droits de la personne prise le 26 janvier 2016 ainsi qu'à l'appel à l'action lancé par la Commission de vérité et réconciliation, Affaires autochtones et du Nord Canada (AANC) s'est engagé à réformer le Programme des services à l'enfance et à la famille des Premières Nations (le Programme) afin de régler les enjeux reliés aux services de protection de l'enfance dans les réserves. Afin que nos travaux prennent en compte les besoins de tous les partenaires, nous consultons les Premières Nations, les partenaires provinciaux et territoriaux, les fournisseurs de services de même que d'autres spécialistes. Nous avons hâte de mettre en œuvre cette consultation au cours des prochaines semaines et partager l'information au sujet de l'approche que nous prendrons à cet égard, ainsi que la façon avec laquelle nous avons l'intention de communiquer avec les partenaires et les intervenants.

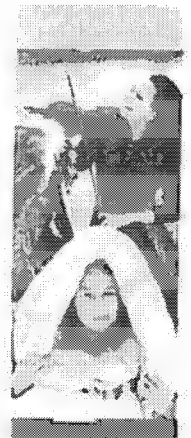
Le but de la présente lettre est de vous offrir, dans le cadre du processus de consultation et de réforme, deux possibilités de financement ponctuel. Ces deux possibilités sont offertes à tous les organismes; il vous est donc possible de présenter une demande pour l'une ou l'autre de ces possibilités de financement, ou les deux.

Les possibilités de financement sont expliquées plus en détail ci-dessous, en voici d'abord un résumé :

1) AANC offre un financement de 25 000 \$ pour que vous lui soumettiez des précisions sur les besoins et le contexte particuliers de votre organisme afin de guider sa réflexion sur de nouvelles approches en matière de financement;

2) AANC offre jusqu'à 75 000 \$ pour l'élaboration et la mise en œuvre de programmes et d'outils adéquats sur le plan culturel pour la ou les communauté(s) auxquelles votre organisme offre des services.

AANC est conscient que de nombreux organismes travaillent déjà en partenariat afin de déterminer comment répondre à leurs besoins et à leurs contextes particuliers ainsi que pour l'élaboration et la mise-en-œuvre de programmes et outils axés sur la culture. AANC aidera les organismes à collaborer avec d'autres organisations des Premières Nations afin de coordonner leur participation à ce processus, compte tenu des activités déjà en cours dans diverses régions.



1) Besoins et contexte particuliers

Dans le cadre du processus de consultation et de réforme, AANC examinera des approches de financement qui permettront aux fournisseurs de services de répondre le plus adéquatement possible aux besoins des enfants et des familles des communautés pour lesquelles ils offrent des services. Pour ce faire, AANC vous invite à fournir de l'information sur les besoins et le contexte particuliers à votre organisme, sur les coûts à assumer pour répondre à ces besoins et sur les facteurs qui ont des répercussions sur la façon dont vous fournissez les services à l'enfance et à la famille. Ces informations aideront AANC à mieux comprendre la réalité sur le terrain ainsi que la voie à suivre dans l'avenir.

Pour vous aider à recueillir ces informations, AANC, par l'intermédiaire de votre bureau régional, offre 25 000 \$ pour chaque organisme. Idéalement, nous aimerions recevoir l'information au sujet de vos besoins et contextes particuliers d'ici le 30 juin 2017.

Les organismes peuvent décrire leurs besoins réels, et les fonds requis pour satisfaire à ces besoins, puisque ce sont eux qui les connaissent le mieux. Voici des exemples d'informations que les organismes pourraient souhaiter soumettre :

- 1) La capacité de l'organisme à fournir des services et des programmes de prévention visant à maintenir les enfants dans un environnement familial sécuritaire.
- 2) Le pourcentage d'enfants pris en charge et de familles dans le besoin dans les communautés servies.
- 3) La connaissance des services offerts dans la communauté et le besoin d'accéder à des services hors des réserves.
- 4) Les besoins en matière de prévention et de soins ultérieurs à la prise en charge des enfants et des familles (programmes culturels, intervention rapide, prévention, services en soins ultérieurs, etc.).
- 5) Les répercussions de l'éloignement et de l'isolement géographique sur la capacité de l'organisme à fournir des services (coût des déplacements, coût de la vie élevé, autres coûts, etc.)
- 6) Les ratios de cas pris en charge par les travailleurs affectés à la protection ou à la prévention nécessaires pour fournir des services et/ou obtenir des résultats pour les communautés.
- 7) Les enjeux liés au recrutement, au maintien en poste et à la formation du personnel afin de mieux comprendre et atténuer les problèmes.
- 8) Les besoins des petits organismes et les meilleurs modes de fonctionnement pour eux.
- 9) L'étendue et la diversité des frais juridiques à assumer pour aider les enfants pris en charge.
- 10) Les besoins en matière de réparations aux bâtiments ou aux immobilisations.
- 11) Autre information liée aux besoins ou contexte particuliers des communautés pour lesquelles vous offrez des services.

2) Programmes et outils de développement et d'amélioration adéquats sur le plan culturel

AANC rendra disponible un montant pouvant s'élever jusqu'à 75 000 \$ pour chaque organisme afin de soutenir l'élaboration ou la mise à jour et la mise en œuvre :

- a) d'une vision adéquate sur le plan culturel à l'égard des programmes et services offerts (par exemple, *Touchstones of Hope*); et/ou
- b) de normes de services ou de mécanismes d'évaluation des services à l'enfance et à la famille adéquats au plan culturel, et/ou la prestation de programmes, la création de trousseaux de prévention ou des guides sur les pratiques exemplaires, etc.

Il s'agit d'un financement axé sur les propositions, qui sera fourni en 2016-2017 ou en 2017-2018. Le bureau d'AANC de votre région se fera un plaisir de vous donner de plus amples renseignements. En ce qui concerne les fins de préparation de rapports, AANC souhaite recevoir des documents qui précisent votre vision et/ou les activités ou pratiques en matière de programmes que votre organisme aura élaborées.

Nous continuons de soutenir vos travaux en vue de fournir des services à l'enfance et à la famille qui découlent d'une compréhension globale des besoins des enfants, des familles et des collectivités, qui sont axés sur la communauté et qui respectent sa culture. Tout au long du plus vaste processus de consultation au sujet de la réforme du Programme, AANC continuera de recueillir de l'information sur les besoins et le contexte des organismes. Nous voulons nous assurer de connaître le point de vue de tous les organismes et de tous les fournisseurs de services. Nous accueillons toutes les suggestions au sujet de la consultation au niveau communautaire que vous souhaitez nous fournir.

Recevez, Madame/Monsieur, mes plus sincères salutations.

Margaret Buist



c.c. Gouvernements provinciaux et du Yukon, responsables des services à l'enfance et à la famille

c.c. Directeurs généraux régionaux d'AANC

**First Nations Child and
Family Caring Society, et al/
Complainants (Moving Party)**

**and Attorney General of Canada
Respondent (Responding Party)**

Tribunal File: T1340/7008

CANADIAN HUMAN RIGHTS TRIBUNAL

Affidavit of Jonathan Thompson
(Affirmed December 20, 2016)

NAHWEGAHBOW, CORBIERE
Genoodmagejig/Barristers & Solicitors
David C. Nahwegahbow, IPC, LSM (22473L)
5884 Rama Road, Suite 109
Rama, ON L3V 6H6
T: (705) 325-0520
F: (705) 325-7204
dndaystar@nncfirm.ca

Counsel for the Complainant (Moving Party)

*Released under the Access
to Information Act
Communiqué en vertu de la
Loi sur l'accès à
l'information*

CANADIAN HUMAN RIGHTS TRIBUNAL

B E T W E E N:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA
and ASSEMBLY OF FIRST NATIONS**

Complainants (Moving Party)

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

**ATTORNEY GENERAL OF CANADA
(representing the Minister of Indigenous and Northern Affairs Canada)**

Respondent (Responding Party)

- and -

**CHIEFS OF ONTARIO, AMNESTY INTERNATIONAL CANADA
and NISHNAWBE ASKI NATION**

Interested Parties

**AFFIDAVIT OF RAYMOND SHINGOOSE
(Affirmed December 20, 2016)**

I, RAYMOND SHINGOOSE, of the Town of Yorkton, in the Province of Saskatchewan,
AFFIRM:

1. I am the Executive Director of the Yorkton Tribal Council Child and Family Services Inc., a vested Child Welfare Agency delegated to deliver a full range of child and family services in the province of Saskatchewan, and in that capacity, I have personal knowledge of the matters to which I hereinafter affirm, unless the matters are stated to be on my information and belief, in which case, I verily believe them to be true.

Yorkton Tribal Council Child and Family Services Inc.

2. The Yorkton Tribal Council Child & Family Services Inc. (hereinafter "YTCCFS") is located at 21 Bradbrooke Avenue, Yorkton, SK S3N 0P3.
3. YTCCFS was incorporated in 1995. It provides services in accordance with the Enhanced Prevention Focused Approach (EPFA), while observing the First Nations positions expressed in the YTCCFS Memorandum of Understanding and pursuant to powers and responsibilities enumerated in the YTCCFS Bilateral Agreement respecting Indian Child and Family Services. YTCCFS also follows and provides services according to the *Federation of Sovereign Nations Family Service Act*.
4. Sixteen Chiefs and sixteen community members who are appointed form the YTCCFS Board of Directors that ensures YTCCFS' services meet the needs of the sixteen constituent First Nations communities. One member Chief holds the Social Development Portfolio, and is the liaison for the 16 Chiefs and for the Executive Director. Also, there are Child Family Prevention Committees to oversee the community based prevention services. YTCCFS did not receive prevention funding until 2008 which contributed to the high number (150) of permanent wards within the YTCCFS Guardianship unit, and the high number of off-reserve children in Saskatchewan care (500+) from the YTCCFS First Nations.
5. The YTCCFS Executive Director is responsible for meeting with the sixteen First Nations Chiefs for strategic planning and on issues arising related to child protection/prevention services provided in the communities, and issues arising provincially or inter-provincially. The Executive Director is also responsible for informing the Chiefs on child welfare issues related to funding, legislation and jurisdiction that may impact the communities or the agency. YTCCFS is also responsible for ensuring the 500+ children in care in Saskatchewan and other provinces follow placement procedures or support families through advocacy and case planning. The Executive Director performs strategic planning with the Board on a yearly basis and meets with them quarterly, and meets as requested with communities on complaints or on new initiatives. The Executive Director is also the

liaison with the province, other First Nations agencies provincially, nationally and internationally to support and educate and make linkages with other professionals on the development of First Nations child welfare.

YTCCFS First Nations

6. The YTCCFS on-reserve catchment area is comprised of sixteen First Nations with a Central office in Yorkton and four sub-offices located in Fort Qu'Appelle, Melville, Kamsack and Carlyle towns located close to the following First Nations:
 - i. North (3): Cote, Key, Keeseekoose
 - ii. Valley (5): Ochapowace, Kahkewistahaw, Sakimay, Cowessess, Carry the Kettle
 - iii. South (3): White Bear, Pheasant Rump, Ocean Man
 - iv. File Hills (5): Peepeekisis, Little Black Bear, Star Blanket, Nekaneet, Piapot
7. The sixteen First Nations are governed by elected Chiefs/Councils and are located adjacent/near the communities of Kamsack, Norquay, Pelly, Whitewood, Grenfell, Broadview, Carlyle, Kisbey, Stoughton, Balcarres, Sintaluta, Fort Qu'Appelle and Maple Creek.
8. The geographic area/mileage travel-time takes anywhere from a minimum of two hours to eight hours (one way) to provide child protection and prevention services. Offices cannot be located in some of the First Nations as IT infrastructure is not provided in First Nations communities. Thus, YTCCFS access to Internet is either limited or not accessible. Furthermore, the geographic locations of the First Nations contribute to increased travel costs, staff overtime and poses risk to children as response times for child abuse investigation and intervention is not immediate. Professional services such as psychiatrists, mental health, professional assessments, and trauma professional interventions are only provided in Regina and Saskatoon as none of these services are accessible on the First Nations communities.

9. These First Nations represent four tribal and language groups: Saulteaux, Cree, and Nakoda & Dakota. The First Nations have a cultural focus that includes following a traditional lifestyle: hunting, gathering, traditional teachings, spiritual ceremonies, pow-wows, round dances, feasts and giveaways. The cultural focus includes applying certain traditional values to contemporary circumstances, issues and service practices.
10. The community programs and services vary between communities with larger communities having more services while smaller communities having less especially those geographically isolated. Those First Nations that have little or no access to their own culturally developed support services have experience with a high rate of both social issues and children in care as evidenced by statistical data gathered by the YTCCFS, IT, and the Case Management system.
11. The socio-economic data shows that all sixteen communities live below national standards for business development, employment, water, housing, health, health services, education attainment, educational services, child welfare services, policing, emergency services, infrastructure and other services. There are also high death rates in some of the communities due to premature deaths related to preventable health conditions and opioid drug use. The aftermath of drug use and loss of family members has left many communities and families in a persistent state of grieving and loss with a lasting impact on orphaned children.

YTCCFS Services

12. YTCCFS provides prevention, protection and placement services in an on-reserve catchment area comprised of sixteen First Nations subject to funding and availability of collaborative resources.
13. In 2015/16, INAC funded 49 staff to manage operations and deliver services/programs to the sixteen First Nations members. The managers/supervisors and staff were assigned the following responsibilities: Governance, Finance, Administration, Information Technology, Human Resources, Prevention: Supervisor, Prevention Workers, Administrative Assistant, Child Protection, Director of

Programs, Program Managers, Intake/Investigation, Family Service Workers, Admin Assistants, Quality Assurance, Guardianship Unit, Home Support Workers, Long Term Ward Unit, Supervisor, Family Service Workers. IT (Contract) and Data Stewards/trainers, Child Family Prevention Committees.

14. YTCCFS provided the following services to the sixteen First Nations: Child Protection Intake/ Investigations, After Hours On call 24/7 days a week, SDM safety and Risk Assessment of children and parents, ongoing case management of Child Protection files, Ongoing Case Management of parent files on child protection or Section 5/9 Prevention files, emergency placement or placement of children in foster homes, referrals to professional resources, apprehension of child court process, quality assurance, peer quality assurance, foster parent conference, foster parent recruitment, home studies and training.
15. The child protection provided services to 247 children in care and 46 families. There were 298 intakes and 236 investigations with 426 children and 110 families involved. The Guardianship Unit has 145 Active homes.
16. Staff receives training from the province on Child Protection, SDM, Intake/Investigations, Touchstones of Hope and Supervisory training at the First Nations Saskatchewan Child Family Institute. Guardianship accesses training from the province on Pride. The Board, Finance/Administration and Human Resources access services from independent consultants. The staff also provides orientation/training within their units/programs.
17. The Prevention staff provide community based prevention services to the sixteen First Nations employing 8 Prevention Workers and 1 Coordinator. They design Primary and Secondary prevention projects with input from the Child Family Prevention Committees. Prevention Workers do home visits and are accessible to children/parents for office visits. One project provides counselling to adults in the community and other projects are for children, youth, parents, families and community events involving a range of activities with support from Elders and community members.

18. In 2015/16, prevention services/activities provided were 146 primary and secondary projects comprising 252 sessions with 3,945 service events to children and 3,395 service events to families and community participants. Tertiary services (counseling) was also provided to 200 adults. The Prevention staff received training from independent consultants for approximately one year. Prevention Modules were developed and will be used for ongoing training and development.

YTCCFS Budget

19. The total funding received from INAC for the 2016-17 fiscal year is \$9 million: \$3.1M allocated for maintenance, \$1.5M for prevention and \$4M for operations. A copy of the YTCCFS Financial Plan 2017-2021 is attached to my affidavit as Exhibit "A".
20. In 2014/15 YTCCFS incurred a cumulative deficit of \$840,977 which then triggered a response from INAC. In this response, INAC reminded YTCCFS that for the past three fiscal years the financial indicators have been trending negatively and suggested the Agency implement the necessary action to address the negative financial trend and the sustainability ratio calculations was deemed to be unfavourable. A copy of the YTCCFS AANDC Funding Over 19 Years is attached to my affidavit as Exhibit "B". Also, a copy of the YTCCFS 2008 to 2015 Costing Model is attached to my affidavit as Exhibit "C".
21. In 2015/2016 the Agency with the assistance of an external independent consultant conducted a financial review to address the deficit situation and the financial sustainability of the organization. From this review, the recommendation to downsize without impacting or jeopardizing service delivery was implemented during the latter part of the 2015/16 fiscal year. The implementation of the recommendations streamlined operational processes that aligned with INAC's inadequate costing formula/Directive 20-1 funding allocations.
22. At the end of the 2015/16 fiscal year the Agency incurred a \$1,206,570 deficit prompting the Agency to fully implement the financial review recommendations immediately April 1, 2016. Since then, the Agency has been encountering challenges specifically relating to reduced human and financial resources but

making best efforts to manage and maintain quality of care standards, and to comply with provincial legislation.

23. In May 2016, after the CHRT Ruling in January 2016, INAC provided \$973,054 in funds (hereinafter the "CHRT Funds" or "CHRT Funding") which prompted the Agency to develop a new five-year plan to address the past discrimination practices and the existing \$1.2M cumulative deficit. While this additional funding is welcome, it is grossly inadequate to meet both our immediate needs, particularly in prevention services, but also our accumulated needs, and the needs related to Jordan's Principle.

YTCCFS Prevention Services

24. Primary and Secondary community based prevention services are developed by the staff and the prevention committees and delivered by the 9.5 staff to children/youth, parents, families and/or community events. Elders and cultural teachings are also incorporated into the events/activities. Only one tertiary program/counseling service is offered in one of the sixteen communities. A copy of the YTCCFS Financial Gap Analysis re Immediate Mental Health Changes is attached to my affidavit as Exhibit "D".
25. The CHRT funding has been allocated for the following tertiary services/staff positions: Cultural Coordinator \$70,000, Mental Health: Protection/Prevention: \$145,000, Wellness Worker/Addictions: \$70,000, Child First Research \$100,000, Core Curriculum \$60,000, Elders Advisory, \$25,000, Debt \$124,000. A copy of the CHRT Funding Increase 2016-2021 is attached to my affidavit as Exhibit "E". Also, a copy of the YTCCFS Budget 2016 Investment Spreadsheet is attached to my affidavit as Exhibit "F". Also, a copy of YTCCFS AANDC Funding vs. Actual Requirements is attached to my affidavit as Exhibit "G".
26. The following are prevention programs offered by the provincial agency that YTCCFS cannot offer due to budget shortfalls:
- i. Suicide Interventions/supports

- ii. Ongoing mental counseling and assessments
- iii. Educational assessments for special needs children
- iv. Assessments for FASD, FAE
- v. Trauma interventions affected by Child Abuse
- vi. Daycare
- vii. Family Supports Centers
- viii. Emergency Food
- ix. Recreational facilities/Programs
- x. Staff Training curriculum and trainers
- xi. Quality Assurance funded positions
- xii. Investigation Units on Child abuse
- xiii. Funding for NGO's contracted to provide services to children/parents
- xiv. Child protection legal services are funded
- xv. Capital funding for buildings, group and emergency homes
- xvi. Range of Educational and training resources available for adults and youth.
- xvii. Optional treatment services for clients involved with the addictions, law or for children with complex multiple needs.
- xviii. Cultural services with Elders/Helpers
- xix. More options for housing units and for mothers with children at risk
- xx. Services for youth exiting care
- xxi. Independent Living units for youth

27. The following are actual Jordan's Principle cases (redacted for privacy reasons) where funding shortfalls prevented YTCCFS from offering prevention services to keep a child in the home:

- i. GE: diagnosed with cerebral palsy and acquired brain injury while in utero: severe developmental delay due to hypoxic brain injury, epilepsy, early puberty, scoliosis, and mild hepatitis, severely delayed immobile gross motor development and delayed fine motor development with no language development. Note: all her special needs are copied and in a binder.
- ii. KQ: diagnosed with partial FASD assessment with confirmed disclosure from mom, she drank while she was pregnant. Diagnosis on file.
- iii. CA: diagnosed with complex FASD and genetic disorder. Diagnosis on file.
- iv. AP: confirmed diagnosis of Spastic Cerebral Palsy. Diagnosis on file.
- v. CR: diagnosed with FASD and partial diagnosis on file.
- vi. LR: diagnosed with FASD and partial diagnosis on file.
- vii. KR: diagnosis with FASD and on file.
- viii. MS: disability and under review and going through Education Psychiatric assessment with Wynyard school.
- ix. DM: Diagnosis with FASD and on file.
- x. KL: diagnosis with FASD, currently being assessed.
- xi. DS: has learning disability and modified program since he started school.
- xii. AS: unconfirmed FASD diagnosis.
- xiii. MK: confirmed diagnosis with FASD and on file.
- xiv. BL: confirmed maternal use of alcohol and drugs. Partial assessment on file.

- xv. AD: unconfirmed FASD assessment diagnosis. Undergoing psychiatric assessment at school.
- xvi. NR: diagnosed with FASD and attachment disorder. Significant speech language delays, fine and gross motor delays, moderate cognitive deficits, global developmental delays and requires feeding via G-Tube. Diagnosis on file.
- xvii. JQ: Was diagnosed with Autism Spectrum Disorder.
- xviii. HQ: Was diagnosed with borderline ADHD and astigmatism in both eyes. She wears glasses.
- xix. DP: diagnosed with Polio as a child. He had his most recent surgery on May 12, 2016. He continues to receive follow-up and monitoring at RHU Division of Orthopaedics.
- xx. LS: cognitive developmental delays. An assessment for FASD was conducted and findings indicated a strong probability, but mom is yet to declare that she used alcohol during pregnancy.
- xxi. HS-B: diagnosed with ADHD and possible FASD. Assessment just started.
- xxii. AS-B: Possible FASD: assessment just started.
- xxiii. LW: diagnosed with Muscular Dystrophy and on file.
- xxiv. TL: not diagnosed. Problems with short term memory. Occupational Therapist. In-depth Visual Assessment recommended.
- xxv. AG: Diagnosis of FASD and ADHD.
- xxvi. ER: Diagnosed with Autism.
- xxvii. KL: Occupational Therapist Assessment – K has difficulties with fine motor paper and pencil based tasks. K also struggles with making sense of and

interpret the usefulness of sensory information coming in from his sensory systems.

- xxviii. TAS: born at 23 gestational weeks. She was born to prenatal substance use which caused congenital heart disease and cardio decomposition. Extreme Prematurity, visual impairment, significant development delay and neuromuscular dysfunction. There are possible signs of autism. T underwent eye surgery and open heart surgery to repair the valve to her lungs. All supporting documents on file.
 - xxix. MM: long term patterns of behavior difficulties. He has been diagnosed with Attention Deficit/Hyperactive Disorder (ADHD). He also has a learning disorder, communication problems, developmental coordination problems, problems related to social environmental, other psychosocial and environmental problems. Milton was in a car accident when he was younger resulting in minor brain damage. He suffered from impetigo and severe neglect. All information is on file.
 - xxx. JB: No prenatal care, Codeine and Morphine addicted. Possible diagnoses of ADHD. Confirmed type 1 diabetic resulting in insulin dependent 3 times a day. Diagnosed hyper activity disorder. All supporting documents on file.
 - xxxi. KS: special needs/high medical had to come into care/Limited services in community/will go long term
 - xxxii. AP: special needs/high medical/come into care/limited services/will go long term
28. The following are additional cases (redacted for privacy reasons) where funding shortfalls prevented YTCCFS from offering prevention services to keep a child in the home:
- i. NT: involved in homicide
 - ii. CWH: child death

- iii. RJ: child death
- iv. SW: youth death
- v. AS: infant/critical injury
- vi. TT: child death
- vii. MB: Critical Injury
- viii. GE: child death and quality of care

29. The following are further additional cases (redacted for privacy reasons) where funding shortfalls prevented YTCCFS from offering prevention services to keep a child in the home, resulting from the loss of parents through suicide or drug related death after children apprehended:

- i. MK
- ii. RK
- iii. HC
- iv. NC

Impact on Clients

30. The following are real impacts of funding shortfalls on YTCCFS' clients:

- i. High rate of apprehension and placement of children into care. Parents lose hope and eventually stop trying to make changes in their lives as no support provided to them or no access to services for their needs. Some parents are third generation IRS survivors or have been raised in foster care.
- ii. Due to poverty, parents do not have rides to attend appointments.
- iii. Some of our parents are homeless.
- iv. Children traumatized by apprehensions and numerous changes of placements in foster homes.

- v. Parents continue high-risk lifestyle pre-natally resulting in babies born with special needs or addictions.
- vi. Parents/caregivers have no access to services for trauma/after care/and ongoing counseling and supports in the communities: increase of self-medication, hospitalization/suicides or premature deaths.
- vii. Special needs children harmed by lack of services as parents struggle to care for them.
- viii. No tertiary services: communities and families in a constant state of grief and loss.
- ix. ICFS funding cannot address the multiple complex family issues and structural risks: mental health issues, generational effects of IRS, poverty, lack of housing, no access to educational or training programs.
- x. Families/children are affected by turnover of staff as agency re-organizes due to debt or staff leave due to low wages or burnout causing service related issues.
- xi. Some children are abused in foster care or receive less than adequate care.
- xii. Some of the youth in care runaway or get involved in illegal activities transitioning to the youth justice system and to adult incarceration.
- xiii. Youth in care at risk for gang recruitment or prostitution/self-harming behavior.
- xiv. Children in care not connected to their parents, communities or extended families.
- xv. Children not connected to the land, do not speak the language and loss of their culture.

Immediate Needs and also a National Strategy Required to Eliminate the Discrimination

31. As the Executive Director, I am responsible to liaise with the province, other First Nations agencies provincially, nationally and internationally to support and educate and make linkages with other professionals on the development of First Nations child welfare. The sixteen First Nations Chiefs I serve lie within the same region and are certainly aware of the difficulties within their region, but they are also aware that the discrimination continuing against First Nations children in the FNCFS Program is occurring elsewhere and on a national scale.
32. Issues related to child protection/prevention services for our sixteen communities need a greater infusion of immediate federal funding resources, and our organization has the capacity to manage the application of those resources if they are provided in a timely manner. In the long term, there are issues arising provincially or inter-provincially that may require a national strategy. First Nations must take the lead in developing a national strategy, consistent with self-determination, and the federal government must play the main supporting role as our fiduciary, along with provincial governments.
33. I make this affidavit in support of the complainant's motion, the AFN, and for no other purpose.

AFFIRMED BEFORE ME at
Yorkton, in the Province of
Saskatchewan, on 20th day
of December, 2016

Sheila Degroot
Notary Public, Commissioner of Oaths.



My Appointment Expires
November 30, 2021

Raymond Shingoose

The following is Exhibit "A"
referred to in the Affidavit of Service of Raymond Shingoose
affirmed before me 20th day of December 2016

Sheila Degroot
Notary Public,
a Commissioner, etc.



My Appointment Expires
November 30, 2021

Yorkton Tribal Council Child and Family Services Inc.
Financial Plan
2017-2021
Year

	Prior year per audit 2015-16	YEAR 2016-17	YEAR 2017-18	YEAR 2018-19	YEAR 2019-20	YEAR 2019-21
Program Revenue:						
Operations	3,224,384	2,812,973	2,842,373	2,887,527	2,823,618	2,770,758
Employee Benefits	0	0	0	0	0	0
Family Support Home	0	253,294	253,107	264,410	266,495	272,900
Child Protection	0	1,244,238	1,267,391	1,302,815	1,339,302	1,376,884
Maintenance	3,725,850	3,100,000	3,100,000	3,100,000	3,100,000	3,100,000
Special Education	144,045	32,000	32,000	32,000	32,000	32,000
Prevention	1,480,518	1,593,682	1,617,900	1,637,526	1,676,778	1,676,778
Future Funding	0	0	0	0	0	0
Childrens Special Allowance	330,434	1,486,472	1,422,472	1,358,472	1,294,472	1,230,472
Childrens Special Allowance Prior Year	0	0	0	0	0	0
Case Management Fees	672,778	681,494	681,494	695,124	695,124	695,124
Maintenance	361,085	31,095	0	0	0	0
3rd Party Assessors	0	0	0	0	0	0
Family Finders	168,385	240,370	195,863	195,863	195,863	195,863
First Nation Family Helpers	399,913	398,095	378,671	378,671	378,671	378,671
Pride Specialists	0	6,804	6,804	6,804	6,804	6,804
Family Support Conference	0	0	0	0	0	0
Other	0	40,000	40,000	35,000	35,000	35,000
Structured Decision Making	0	0	0	0	0	0
Emergency Receiving Home	0	448,865	1,161,591	1,161,591	0	0
Total Revenue	10,507,392	12,369,382	12,999,666	13,055,803	11,844,127	11,771,254

Program Expenditures:						
Operations	3,500,481	2,861,280	2,867,650	2,604,010	2,625,443	2,647,520
Employee Benefits	0	0	0	0	0	0
Family Support Home	0	253,294	257,240	260,277	266,495	272,900
Child Protection	0	1,244,238	1,267,391	1,302,815	1,339,302	1,376,884
Maintenance	3,726,919	3,368,843	2,850,000	2,850,000	3,020,000	3,126,286
Special Education	141,670	64,268	32,000	2,107	32,000	32,000
Prevention	1,547,139	1,351,724	1,651,318	1,661,976	1,681,130	1,700,859
Future Funding	0	0	0	0	0	0
Childrens Special Allowance	327,718	1,449,188	1,422,472	1,358,472	1,294,472	1,230,472
Childrens Special Allowance Prior Year	0	0	0	0	0	0
Case Management Fees	672,778	681,494	681,494	695,124	695,124	712,156
Maintenance	382,275	31,095	10,145	0	0	0
3rd Party Assessors	0	0	0	0	0	0
Family Finders	168,386	240,370	195,863	195,863	195,863	195,866
First Nation Family Helpers	399,914	388,159	378,671	378,671	378,671	378,671
Pride Specialists	0	6,804	6,804	6,804	6,804	6,804
Family Support Conference	0	0	0	0	0	0
Other	0	40,000	40,000	35,000	35,000	35,000
Structured Decision Making	0	0	0	0	0	0
Emergency Receiving Home	0	448,865	1,161,591	1,161,591	0	0
Total Expenditures	10,867,280	12,429,622	12,822,639	12,512,709	11,570,305	11,715,418

Surplus (Deficit) by Program areas						
Operations	-276,097	-48,307	-25,277	283,517	198,175	123,238
Employee Benefits	0	0	0	0	0	0
Family Support Home	0	0	-4,133	4,133	0	0
Child Protection	0	0	0	0	0	0
Maintenance	-1,069	-268,843	250,000	250,000	80,000	-26,286
Special Education	2,375	-32,268	0	29,893	0	0
Prevention	-66,621	241,958	-33,418	-24,449	-4,352	-24,081
Future Funding	0	0	0	0	0	0
Childrens Special Allowance	2,716	37,284	0	0	0	0
Childrens Special Allowance Prior Year	0	0	0	0	0	0
Case Management Fees	0	0	0	0	0	-17,032
Maintenance	-21,190	0	-10,145	0	0	0
3rd Party Assessors	0	0	0	0	0	0
Family Finders	-1	0	0	0	0	-3
First Nation Family Helpers	-1	9,936	0	0	0	0
Pride Specialists	0	0	0	0	0	0
Family Support Conference	0	0	0	0	0	0
Other	0	0	0	0	0	0
Structured Decision Making	0	0	0	0	0	0
Emergency Receiving Home	0	0	0	0	0	0
Total Surplus	-359,888	-60,239	177,027	543,094	273,823	55,836

Planned Use of Surplus

Available Surplus from above

Approved Transfer from Non-AANDC

Total Surplus staying in Program area

From program surplus

Gain on Sale of Tangible Capital Assets

Total of Transferred Funds - Available

Planned applied use of transferred funds

Applied to - Loan Payments

Applied to - Accounts Payable arrears

Applied to - Deficit Reduction

Applied to - Other Items - specify

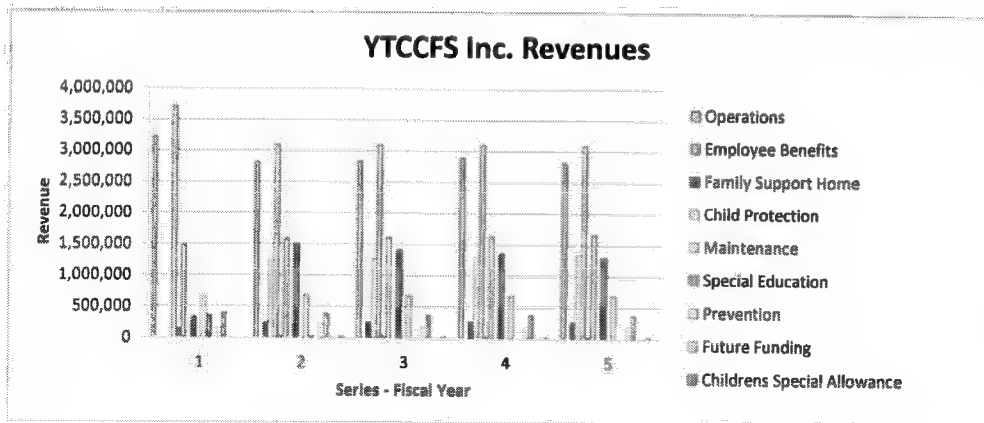
Year End Adjusted Surplus

-359,888	-60,239	177,027	543,094	273,823	55,836
0	0	0	0	0	0
-359,888	-60,239	177,027	543,094	273,823	55,836
-359,888	-60,239	177,027	543,094	273,823	55,836
-5,687	0	0	0	0	1
-365,575	-60,239	177,027	543,094	273,823	55,837
0	0	0	0	0	1
0	0	12,867	0	0	1
0	0	0	0	0	1
0	0	0	0	0	1
0	0	0	0	0	1
-359,888	-60,239	164,160	543,094	273,823	55,832

Note: All loans and payables are current and included in financial statement

Note: Year End Adjusted Surplus should equal Total Surplus staying in Program area if all transfers are applied.

Under the new policy on transfer payments, expectation is AANDC funding is to remain within the applicable program area. AANDC approval is needed before any transferring of AANDC surplus funds takes place.



The following is Exhibit "B"
referred to in the Affidavit of Service of Raymond Shingoose
affirmed before me 20th day of December 2016

Sheila Degroot
so Notary Public so
a Commissioner, etc.



**My Appointment Expires
November 30, 2021**

AANDC Funding Over 19 Years

Year	Type	Amount	Sub-Total	% Inc/Dec
1997	Operations - Start up	\$ 407,575.00	\$ 407,575.00	
1997-98	Operations - Start up	\$ 661,391.00	\$ 661,391.00	38.38%
1998-99	Operations	\$ 1,030,050.00		
	Maintenance	\$ 585,535.00	\$ 1,615,585.00	59.06%
1999-00	Operations	\$ 1,548,374.00		
	Maintenance	\$ 936,863.00	\$ 2,485,237.00	34.99%
2000-01	Operations	\$ 1,985,712.00		
	Maintenance	\$ 1,413,117.00	\$ 3,398,829.00	26.88%
2001-02	Operations	\$ 1,801,456.00		
	Maintenance	\$ 1,900,850.00	\$ 3,702,306.00	8.20%
2002-03	Operations	\$ 1,931,128.00		
	Maintenance	\$ 2,013,801.00	\$ 3,944,929.00	6.15%
2003-04	Operations	\$ 2,193,125.00		
	Maintenance	\$ 2,068,298.00	\$ 4,261,423.00	7.43%
2004-05	Operations	\$ 2,128,886.00		
	*Employee Benefits	\$ 103,100.00		
	Maintenance	\$ 2,665,710.00		
	Special Education	\$ 171,172.00	\$ 5,068,868.00	15.93%
2005-06	Operations	\$ 2,350,108.00		
	Employee Benefits	\$ 104,583.00		
	Maintenance	\$ 2,755,700.00		
	Special Education	\$ 191,931.00		
	Consultation	\$ 5,000.00		

			\$ 5,407,322.00		
2006-07	Operations	\$ 2,361,358.00			
	Employee Benefits	\$ 74,618.00			
	Maintenance	\$ 2,800,000.00			
	Special Education	\$ 197,307.00			
			\$ 5,433,283.00		0.48%
2007-08	Operations	\$ 2,390,610.00			
	Employee Benefits	\$ 62,922.00			
	Maintenance	\$ 2,037,342.00			
	Special Education	\$ 158,810.00			
			\$ 4,649,684.00		-16.85%
2008-09	Operations	\$ 2,285,211.00			
	*Employee Benefits	\$ 88,089.00		*Final Year Employee Benefits Funding	
	Maintenance	\$ 2,120,000.00			
	*Prevention	\$ 1,082,398.00		*Prevention First Year	
	Special Education	\$ 120,000.00			
			\$ 5,695,698.00		18.36%
2009-10	Operations	\$ 2,328,032.00			
	Maintenance	\$ 2,169,004.00			
	Prevention	\$ 1,094,177.00			
	Special Education	\$ 128,591.00			
			\$ 5,719,804.00		0.42%
2010-11	Operations	\$ 2,449,788.00			
	Maintenance	\$ 2,123,900.00			
	Prevention	\$ 1,064,865.00			
	Special Education	\$ 139,000.00			
			\$ 5,777,553.00		1.00%
2011-12	Operations	\$ 2,497,766.00		*Piapot/CTK/Nekaneet Join	
	Maintenance	\$ 2,222,390.00			
	Prevention	\$ 1,100,592.00			
	Special Education	\$ 140,275.00			
			\$ 5,961,023.00		3.08%
2012-13	Operations	\$ 3,047,461.00			
	Maintenance	\$ 2,073,127.00			
	Prevention	\$ 2,091,156.00			
	Special Education	\$ 42,004.00			
				*Evaluation Funding 3 years	
			\$ 7,253,748.00		17.82%
2013-14	Operations	\$ 3,397,265.00			

Maintenance	\$	2,861,037.00
Prevention	\$	1,586,878.00
Special Education	\$	114,500.00
*Evaluation	\$	30,600.00

*Evaluation Funding 3 years

\$ 7,990,280.00 9.22%

2014-15	Operations	\$	3,098,025.00
	Maintenance	\$	3,198,658.00
	Prevention	\$	1,563,912.00
	Special Education	\$	152,000.00

\$ 8,012,595.00 0.28%

2015-16	Operations	\$	3,177,575.00
	Maintenance	\$	3,669,074.00
	Prevention	\$	1,480,518.00
	Special Education	\$	118,634.00

\$ 8,445,801.00 5.13%

Total AANDC FUNDING 1997-Present	\$ 95,892,934.00
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The following is Exhibit "C"
referred to in the Affidavit of Service of Raymond Shingoose
affirmed before me 20th day of December 2016

Sheila Degroot
Notary Public -
a Commissioner, etc.



My Appointment Expires
November 30, 2021

2008/2009

Released under the Access
to Information ActCommuniqué en vertu de la
Loi sur l'accès à
l'informationAGENCY NAME: Yorkton
Member First Nations and 0-18 PopulationTotal number of children serviced by agency 2,466
Children in care based on 6% 148
Multiple problem families 164
Number of BandsProvincial Front Line Social Worker Average Salary (October 1 2007) \$53,950
Provincial Social Worker Supervisor Average Salary (October 1 2007) \$59,350
Provincial Support Worker Average Salary (October 1 2007) \$36,150

Administrative Formula	Basis of Calculations	# of Staff	Salary	Non-Salary	Totals	Fixed		
						Agency Core	Protection	Enhancement
1 Board of directors	\$50,000			\$50,000	\$50,000	\$50,000		
2 Director	\$77,000	1	\$77,000		\$77,000	\$77,000		
CFS Case Management / community								
3 resource co-ordinator	\$59,350	1	\$59,350		\$59,350	\$59,350		
4 HR Staff	\$39,300	1	\$39,300		\$39,300	\$39,300		
5 Secretary/Receptionist	\$36,000	1	\$36,000		\$36,000	\$36,000		
6 Financial support	\$51,000	1	\$51,000		\$51,000	\$51,000		
7 Evaluation (Footnote 1)	\$0			\$0	\$0	\$0	\$0	\$0
8 Audit	\$13,000			\$13,000	\$13,000	\$13,000		
9 Insurance	\$30,000			\$30,000	\$30,000	\$30,000		
10 Legal	\$41,000			\$41,000	\$41,000	\$41,000		
Admin overhead - 15% of Salaries and								
11 Benefits				\$333,060	\$333,060	\$39,398	\$228,922	\$54,740
12 Benefits - 20.45 % of Salaries			\$378,979		\$378,979	\$53,712	\$235,005	\$58,262
13 Ongoing training	\$2,000			\$68,000	\$68,000	\$10,000	\$42,000	\$16,000
Off-Hour emergency service - 5% of								
14 direct service delivery and supervisors			\$65,820		\$65,820		\$44,240	\$21,580
15 Supervisors	\$59,350	4	\$237,400		\$237,400		\$149,543	\$87,857
16 Support staff	\$36,150	4	\$144,600		\$144,600		\$81,087	\$53,513
Services Formula								
17 Foster care workers / permanency workers	\$53,950	5	\$269,750		\$269,750		\$289,750	
18 Foster care trainer / Recruit support / Placement resource	\$53,950	1	\$53,950		\$53,950		\$53,950	
19 Case managers (child intervention)	\$53,950	7	\$377,650		\$377,650		\$377,650	
20 Family enhancement workers	\$53,950	8	\$431,600		\$431,600			\$431,600
21 Service purchase @ \$125/child				\$308,250	\$308,250		\$154,125	\$154,125
22 Travel for service staff	\$10,000			\$260,000	\$260,000	\$10,000	\$170,000	\$80,000
23 Remoteness adjustment (fixed)				\$84,500	\$84,500			\$84,500
Totals:		34	\$2,220,399	\$1,167,810	\$3,388,209	\$309,760	\$1,816,272	\$1,062,177

24 New Operations formula and Least Disruptive Measures/Prevention Funding

25 Revised 2008-2009 Agency Operations Funding incorporating Budget 2005 8.24% Adjustment

26 Incremental Adjustment (Line 24 less Line 25)

\$3,388,209

\$2,315,811

\$1,072,398

Agency Core and Protection
Least Disruptive Measures / Prevention Funding

2007-2008
Operations
Formula with
8.24% Budget
2005

New Formula \$2,325,032
Adjustment \$2,315,811
Adjustment \$10,221
Adjustment \$1,062,177

Total
prevention

2009/2010

AGENCY NAME: Yorkton
Member First Nations and 0-18 PopulationTotal number of children serviced by agency 2,496
Children in care based on 8% 150
Multiple problem families 187
Number of BandsProvincial Front Line Social Worker Average Salary (October 1 2007) \$53,950
Provincial Social Worker Supervisor Average Salary (October 1 2007) \$59,350
Provincial Support Worker Average Salary (October 1 2007) \$36,150

Administrative Formula	Basis of Calculations	# of Staff	Salary	Non-Salary	Totals	Fixed		
						Agency Core	Protection	Enhancement
1 Board of directors	\$50,000			\$50,000	\$50,000	\$50,000		
2 Director	\$77,000	1	\$77,000		\$77,000	\$77,000		
CFS Case Management / community								
3 resource co-ordinator	\$59,350	1	\$59,350		\$59,350	\$59,350		
4 HR Staff	\$39,300	1	\$39,300		\$39,300	\$39,300		
5 Secretary/Receptionist	\$38,000	1	\$38,000		\$38,000	\$38,000		
6 Financial support	\$51,000	1	\$51,000		\$51,000	\$51,000		
7 Evaluation (Footnote 1)	\$0			\$0	\$0	\$0	\$0	\$0
8 Audit	\$13,000			\$13,000	\$13,000	\$13,000		
9 Insurance	\$30,000			\$30,000	\$30,000	\$30,000		
10 Legal	\$41,000			\$41,000	\$41,000	\$41,000		
Admin overhead - 15% of Salaries and								
11 Benefits				\$333,060	\$333,060	\$39,398	\$228,922	\$84,740
12 Benefits - 20.45 % of Salaries			\$376,879		\$376,879	\$53,712	\$235,005	\$88,282
13 Ongoing training	\$2,000			\$68,000	\$68,000	\$10,000	\$42,000	\$18,000
Off-Hour emergency service - 5% of								
14 direct service delivery and supervisors			\$66,820		\$66,820		\$44,240	\$21,580
15 Supervisors	\$59,350	4	\$237,400		\$237,400		\$149,543	\$87,857
16 Support staff	\$36,150	4	\$144,600		\$144,600		\$91,087	\$53,513
Services Formula								
17 Foster care workers / permanency workers	\$53,950	5	\$269,750		\$269,750		\$269,750	
18 Foster care trainer / Recruit support / Placement resource	\$53,950	1	\$53,950		\$53,950		\$53,950	
19 Case managers (child intervention)	\$53,950	7	\$377,650		\$377,650		\$377,650	
20 Family enhancement workers	\$53,950	8	\$431,600		\$431,600			\$431,600
21 Service purchase @ \$125/child				\$312,250	\$312,250		\$156,125	\$156,125
22 Travel for service staff	\$10,000			\$280,000	\$290,000	\$10,000	\$170,000	\$80,000
23 Remoteness adjustment (fixed)				\$64,500	\$64,500			\$64,500
Totals:		34	\$2,220,399	\$1,171,810	\$3,392,209	\$509,780	\$1,818,272	\$1,064,177

24 New Operations formula and Least Disruptive Measures/Prevention Funding
25 Revised 2008-2009 Agency Operations Funding incorporating Budget 2005 8.24% Adjustment
26 Incremental Adjustment (Line 24 less Line 25)\$3,392,209
\$2,315,811
\$1,076,398Agency Core and Protection
Least Disruptive Measures / Prevention Funding

2008-2009
Operations
Formula with
8.24% Budget
2005

New Formula \$2,328,032
Adjustment \$2,315,811
\$1,064,177

Adjustment \$12,221
\$1,064,177

Total
ops

AGENCY NAME: Yorkton
Member First Nations and 0-18 Population

Total number of children serviced by agency 2,509
Children in care based on 6% 151
Multiple problem families 167
Number of Bands

Provincial Front Line Social Worker Average Salary (October 1 2007) \$53,950
Provincial Social Worker Supervisor Average Salary (October 1 2007) \$59,350
Provincial Support Worker Average Salary (October 1 2007) \$38,150

Administrative Formula	Basis of Calculations	# of Staff	Salary	Non-Salary	Totals	Fixed		
						Agency Care	Protection	Enhancement
1 Board of directors	\$50,000			\$50,000	\$50,000	\$50,000		
2 Director	\$77,000	1	\$77,000		\$77,000	\$77,000		
CFS Case Management / community								
3 resource co-ordinator	\$59,350	1	\$59,350		\$59,350	\$59,350		
4 HR Staff	\$39,300	1	\$39,300		\$39,300	\$39,300		
5 Secretary/Receptionist	\$36,000	1	\$36,000		\$36,000	\$36,000		
6 Financial support	\$51,000	1	\$51,000		\$51,000	\$51,000		
7 Evaluation (Footnote 1)	\$0			\$0	\$0	\$0	\$0	\$0
8 Audit	\$13,000			\$13,000	\$13,000	\$13,000		
9 Insurance	\$30,000			\$30,000	\$30,000	\$30,000		
10 Legal	\$41,000			\$41,000	\$41,000	\$41,000		
Admin overhead - 15% of Salaries and								
11 Benefits				\$343,295	\$343,295	\$39,398	\$239,167	\$64,740
12 Benefits - 20.45 % of Salaries			\$388,584		\$388,584	\$53,712	\$246,590	\$88,282
13 Ongoing training	\$2,000			\$70,000	\$70,000	\$10,000	\$44,000	\$16,000
Off-Hour emergency service - 5% of								
14 direct service delivery and supervisors			\$68,518		\$68,518		\$46,938	\$21,580
15 Supervisors	\$59,350	4	\$237,400		\$237,400		\$149,543	\$87,857
16 Support staff	\$38,150	4	\$144,600		\$144,600		\$91,087	\$53,513
Services Formula								
17 Foster care workers / permanency workers	\$53,950	5	\$269,750		\$269,750		\$269,750	
18 Foster care trainer / Recruit support / Placement resource	\$53,950	1	\$53,950		\$53,950		\$53,950	
19 Case managers (child intervention)	\$53,950	8	\$431,600		\$431,600		\$431,600	
20 Family enhancement workers	\$53,950	8	\$431,600		\$431,600			\$431,600
21 Service purchase @ \$125/child				\$313,625	\$313,625		\$156,813	\$156,813
22 Travel for service staff	\$10,000			\$270,000	\$270,000	\$10,000	\$180,000	\$80,000
23 Remoteness adjustment (fixed)				\$64,500	\$64,500			\$64,500
Totals:		35	\$2,288,631	\$1,195,420	\$3,484,051	\$509,780	\$1,909,428	\$1,064,865

24 New Operations formula and Least Disruptive Measures/Prevention Funding
25 Revised 2008-2009 Agency Operations Funding incorporating Budget 2005 8.24% Adjustment
26 Incremental Adjustment (Line 24 less Line 25)

\$3,484,053
\$2,171,440
\$1,312,613

Agency Care and Protection
Least Disruptive Measures / Prevention Funding

2008-2009
Operations
Formula with
8.24% Budget
2005
New Formula \$2,419,168
Adjustment \$2,171,440
Adjustment \$247,746
\$1,064,865

Totals

AGENCY NAME: Yorkton Tribal Council Child and Family Services
 *Note: 0-18 Population as of Dec. 31st, 2010

2011/2012

Total number of children serviced by agency 2,844 * Including Nekanest and Piapot Effective January 1st 2012
 Children in care based on 6% 171
 Multiple problem families 190
 Number of Bands 15

Provincial Front Line Social Worker Average Salary (October 1 2007) \$53,950
 Provincial Social Worker Supervisor Average Salary (October 1 2007) \$59,350
 Provincial Support Worker Average Salary (October 1 2007) \$36,150

Administrative Formula	Base Calculations	# of Staff	Salary	Non-Salary	Totals	Fixed Agency Core	Variable	
							Protection	Enhancement
1 Board of directors	\$50,000			\$50,000	\$50,000	\$50,000		
2 Director	\$77,000	1	\$77,000		\$77,000	\$77,000		
CFS Case Management / community resource co-ordinator	\$59,350	1	\$59,350		\$59,350	\$59,350		
4 HR Staff	\$39,300	1	\$39,300		\$39,300	\$39,300		
5 Secretary/Receptionist	\$36,000	1	\$36,000		\$36,000	\$36,000		
6 Financial support	\$51,000	1	\$51,000		\$51,000	\$51,000		
7 Evaluation (Footnote 1)	\$0			\$0	\$0	\$0	\$0	\$0
8 Audit	\$13,000			\$13,000	\$13,000	\$13,000		
9 Insurance	\$30,000			\$30,000	\$30,000	\$30,000		
10 Legal	\$41,000			\$41,000	\$41,000	\$41,000		
Admin overhead - 15% of Salaries and Benefits				\$391,790	\$391,790	\$39,398	\$279,560	\$72,833
12 Benefits - 20.45 % of Salaries			\$443,454		\$443,454	\$53,712	\$290,447	\$99,295
13 Ongoing training	\$2,000			\$80,000	\$80,000	\$10,000	\$52,000	\$18,000
Off-Hour emergency service - 5% of direct service delivery and supervisors			\$79,578		\$79,578		\$55,300	\$24,278
15 Supervisors	\$59,350	5	\$296,750		\$296,750		\$186,929	\$109,821
16 Support staff	\$36,150	5	\$180,750		\$180,750		\$113,858	\$66,892
Services Formula								
17 Foster care workers / permanency workers	\$53,950	6	\$323,700		\$323,700		\$323,700	
18 Foster care trainer / Recruit support / Placement resource	\$53,950	1	\$53,950		\$53,950		\$53,950	
19 Case managers (child intervention)	\$53,950	9	\$485,550		\$485,550		\$485,550	
20 Family enhancement workers	\$53,950	9	\$485,550		\$485,550			\$485,550
21 Service purchase @ \$125/child				\$355,500	\$355,500		\$177,750	\$177,750
22 Travel for service staff	\$10,000			\$310,000	\$310,000	\$10,000	\$210,000	\$90,000
23 Remoteness adjustment (fixed)				\$64,500	\$64,500			\$64,500
Totals:		40	\$2,611,931	\$1,335,790	\$3,947,721	\$509,780	\$2,229,044	\$1,208,919

Agency Core and Protection
 Least Disruptive Measures / Prevention Funding
 New Operations formula and Least Disruptive Measures/Prevention Funding Total

2011-2012 Allocation
\$2,738,804
\$1,208,919
\$3,947,723

Piapot & Nekanest FN's joined YTC January 1st, 2012

Amended Allocation:

Agency Core & Protection = \$2,738,804 - \$2,418,615 = \$320,189 x 91 days/365 = \$78,828

Enhanced Prevention = \$1,208,919 - \$1,064,615 x 91 days/365 = \$35,977

2012/2013

AGENCY NAME: Yorkton Tribal Council Child and Family Services
 *Note: 0-18 Population as of Dec. 31st, 2011

Total number of children serviced by agency 3,208 *
 Children in care based on 6% 192
 Multiple problem families 214
 Number of Bands 16

Provincial Front Line Social Worker Average Salary (October 1 2007) \$53,950
 Provincial Social Worker Supervisor Average Salary (October 1 2007) \$59,350
 Provincial Support Worker Average Salary (October 1 2007) \$36,150

Administrative Formula	Base Calculations	# of Staff	Salary	Non-Salary	Totals	Fixed Agency Core	Variable	
							Protection	Enhancement
1 Board of directors	\$50,000			\$50,000	\$50,000	\$50,000		
2 Director	\$77,000	1	\$77,000		\$77,000	\$77,000		
CFS Case Management / community								
3 resource co-ordinator	\$59,350	1	\$59,350		\$59,350	\$59,350		
4 HR Staff	\$39,300	1	\$39,300		\$39,300	\$39,300		
5 Secretary/Receptionist	\$36,000	1	\$36,000		\$36,000	\$36,000		
6 Financial support	\$51,000	1	\$51,000		\$51,000	\$51,000		
7 Evaluation (Footnote 1)	\$0			\$0	\$0	\$0	\$0	\$0
8 Audit	\$13,000			\$13,000	\$13,000	\$13,000		
9 Insurance	\$30,000			\$30,000	\$30,000	\$30,000		
10 Legal	\$41,000			\$41,000	\$41,000	\$41,000		
Admin overhead - 15% of Salaries and								
11 Benefits				\$440,285	\$440,285	\$39,398	\$311,870	\$89,018
12 Benefits - 20.45 % of Salaries			\$498,343		\$498,343	\$53,712	\$323,271	\$121,361
13 Ongoing training	\$2,000			\$90,000	\$90,000	\$10,000	\$58,000	\$22,000
Off-Hour emergency service - 5% of								
14 direct service delivery and supervisors			\$90,838		\$90,838		\$80,965	\$29,873
15 Supervisors	\$59,350	6	\$356,100		\$356,100		\$224,315	\$131,785
16 Support staff	\$36,150	6	\$216,900		\$216,900		\$136,630	\$80,270
Services Formula								
17 Foster care workers / permanency workers	\$53,950	6	\$323,700		\$323,700		\$323,700	
18 Foster care trainer / Recruit support / Placement resource	\$53,950	1	\$53,950		\$53,950		\$53,950	
19 Case managers (child intervention)	\$53,950	10	\$539,500		\$539,500		\$539,500	
20 Family enhancement workers	\$53,950	11	\$593,450		\$593,450			\$593,450
21 Service purchase @ \$125/child				\$401,000	\$401,000		\$200,500	\$200,500
22 Travel for service staff	\$10,000			\$350,000	\$350,000	\$10,000	\$230,000	\$110,000
23 Remoteness adjustment (fixed)				\$64,500	\$64,500			\$64,500
Totals:		45	\$2,935,231	\$1,479,785	\$4,415,016	\$509,780	\$2,462,701	\$1,442,557

Agency Core and Protection
 Least Disruptive Measures / Prevention Funding
 New Operations formula and Least Disruptive Measures/Prevention Funding Total

2012-2013 Allocation
\$2,972,461
\$1,442,557
\$4,415,018

Ops → \$ 75,000 for
 increase computer system

Incorporating Provincial Salary Increase Effective Oct 1st, 2013

AGENCY NAME: Yorkton Tribal Council Child and Family Services

*Note: 0-18 Population as of Dec. 31st, 2012

Total number of children serviced by agency 3,187 *

Children in care based on 8% 191

Multiple problem families 212

Number of Bands 16

Provincial Front Line Social Worker Average Salary (October 1 2013) \$61,478

Provincial Social Worker Supervisor Average Salary (October 1 2013) \$67,627

Provincial Support Worker Average Salary (October 1 2013) \$41,082

Administrative Formula	Base Calculations	# of Staff	Salary	Non-Salary	Totals	Fixed		
						Agency Core	Protection	Enhancement
1 Board of directors	\$50,000			\$50,000	\$50,000	\$50,000		
2 Director	\$86,678	1	\$86,678		\$86,678	\$86,678		
CFS Case Management / community								
3 resource co-ordinator	\$67,627	1	\$67,627		\$67,627	\$67,627		
4 HR Staff	\$44,366	1	\$44,366		\$44,366	\$44,366		
5 Secretary/Receptionist	\$38,759	1	\$38,759		\$38,759	\$38,759		
6 Financial support	\$55,887	1	\$55,887		\$55,887	\$55,887		
7 Evaluation (Footnote 1)	\$0			\$0	\$0	\$0	\$0	\$0
8 Audit	\$13,000			\$13,000	\$13,000	\$13,000		
9 Insurance	\$30,000			\$30,000	\$30,000	\$30,000		
10 Legal	\$41,000			\$41,000	\$41,000	\$41,000		
Admin overhead - 15% of Salaries and								
11 Benefits				\$500,513	\$500,513	\$43,998	\$355,077	\$101,439
12 Benefits - 20.45 % of Salaries			\$566,514		\$566,514	\$59,983	\$368,236	\$138,295
13 Ongoing training	\$2,000			\$90,000	\$90,000	\$10,000	\$58,000	\$22,000
Off-Hour emergency service - 5% of								
14 direct service delivery and supervisors			\$103,283		\$103,283		\$69,471	\$33,813
15 Supervisors	\$67,627	8	\$405,762		\$405,762		\$255,598	\$150,164
16 Support staff	\$41,082	8	\$248,492		\$248,492		\$155,271	\$91,221
Services Formula								
17 Foster care workers / permanency workers	\$61,478	6	\$368,868		\$368,868		\$368,868	
18 Foster care trainer / Recruit support / Placement resource	\$61,478	1	\$61,478		\$61,478		\$61,478	
19 Case managers (child intervention)	\$61,478	10	\$614,780		\$614,780		\$614,780	
20 Family enhancement workers	\$61,478	11	\$676,258		\$676,258			\$676,258
21 Service purchase @\$125/child				\$398,375	\$398,375		\$199,188	\$199,188
22 Travel for service staff	\$10,000			\$350,000	\$350,000	\$10,000	\$230,000	\$110,000
23 Remoteness adjustment (fixed)				\$64,500	\$64,500			\$64,500
Totals:		45	\$3,338,752	\$1,537,388	\$4,874,140	\$551,298	\$2,735,967	\$1,586,878

Agency Core and Protection
Least Disruptive Measures / Prevention Funding
New Operations formula and Least Disruptive Measures/Prevention Funding Total

2013-2014
Allocation
\$3,287,268
\$1,586,878
\$4,874,143

* ops \$110,000
increase

2014-2015 EPFA Costing Model with Oct 1st, 2014 Prov Salary Grid

AGENCY NAME: Yorkton Tribal Council Child and Family Services

*Note: 0-18 Population as of Dec. 31st, 2013

Total number of children serviced by agency 3,150 *

Children in care based on 6% 189

Multiple problem families 210

Number of Bands 18

Provincial Front Line Social Worker Average Salary (October 1 2014) \$62,524

Provincial Social Worker Supervisor Average Salary (October 1 2014) \$68,776

Provincial Support Worker Average Salary (October 1 2014) \$41,780

Administrative Formula	Base Calculations	# of Staff	Salary	Non-Salary	Totals	Fixed Agency Core	Variable	
							Protection	Enhancement
1 Board of directors	\$50,000			\$50,000	\$50,000	\$50,000		
2 Director	\$88,152	1	\$88,152		\$88,152	\$88,152		
CFS Case Management / community								
3 resource co-ordinator	\$68,776	1	\$68,776		\$68,776	\$68,776		
4 HR Staff	\$45,120	1	\$45,120		\$45,120	\$45,120		
5 Secretary/Receptionist	\$39,418	1	\$39,418		\$39,418	\$39,418		
6 Financial support	\$56,838	1	\$56,838		\$56,838	\$56,838		
7 Evaluation (Footnote 1)	\$0			\$0	\$0	\$0	\$0	\$0
8 Audit	\$13,000			\$13,000	\$13,000	\$13,000		
9 Insurance	\$30,000			\$30,000	\$30,000	\$30,000		
10 Legal	\$41,000			\$41,000	\$41,000	\$41,000		
Admin overhead - 15% of Salaries and								
11 Benefits				\$478,568	\$478,568	\$44,748	\$328,858	\$103,185
12 Benefits - 20.45 % of Salaries			\$539,411		\$539,411	\$61,003	\$337,760	\$140,648
13 Ongoing training	\$2,000			\$84,000	\$84,000	\$10,000	\$52,000	\$22,000
Off-Hour emergency service - 5% of								
14 direct service delivery and supervisors			\$98,475		\$98,475		\$64,087	\$34,388
15 Supervisors	\$68,776	5	\$343,880		\$343,880		\$218,817	\$127,263
16 Support staff	\$41,780	5	\$208,900		\$208,900		\$131,591	\$77,309
Services Formula								
17 Foster care workers / permanency workers	\$62,524	8	\$375,144		\$375,144		\$375,144	
18 Foster care trainer / Recruit support / Placement resource	\$62,524	1	\$62,524		\$62,524		\$62,524	
19 Case managers (child intervention)	\$62,524	9	\$562,716		\$562,716		\$562,716	
20 Family enhancement workers	\$62,524	11	\$687,764		\$687,764			\$687,764
21 Service purchase @\$125/child				\$393,750	\$393,750		\$196,875	\$196,875
22 Travel for service staff	\$10,000			\$330,000	\$330,000	\$10,000	\$210,000	\$110,000
23 Remoteness adjustment (fixed)				\$84,500	\$84,500			\$84,500
Totals:		42	\$3,177,118	\$1,482,818	\$4,659,936	\$558,053	\$2,537,972	\$1,563,912

Agency Core and Protection
Least Disruptive Measures / Prevention Funding
New Operations formula and Least Disruptive Measures/Prevention Funding Total

2014-2015
Allocation
\$3,096,025
\$1,563,912
\$4,659,937

+
ops increase
of \$2,000 for
maintenance form
training

2015-2016 EPFA Costing Model with Oct 1st, 2015 Prov Salary Grid

AGENCY NAME: Yorkton Tribal Council Child and Family Services

*Note: 0-18 Population as of Dec. 31st, 2014

Total number of children serviced by agency 3,127 *

Children in care based on 6% 188

Multiple problem families 208

Number of Bands 18

Provincial Front Line Social Worker Average Salary (October 1 2015) \$63,555

Provincial Social Worker Supervisor Average Salary (October 1 2015) \$69,911

Provincial Support Worker Average Salary (October 1 2015) \$42,470

Administrative Formula	Base Calculations	# of Staff	Salary	Non-Salary	Totals	Fixed Agency Core	Variable	
							Protection	Enhancement
1 Board of directors	\$50,000			\$50,000	\$50,000	\$50,000		
2 Director	\$89,608	1	\$89,608		\$89,608	\$89,608		
CFS Case Management / community								
3 resource co-ordinator	\$69,911	1	\$69,911		\$69,911	\$69,911		
4 HR Staff	\$45,865	1	\$45,865		\$45,865	\$45,865		
5 Secretary/Receptionist	\$40,069	1	\$40,069		\$40,069	\$40,069		
6 Financial support	\$57,775	1	\$57,775		\$57,775	\$57,775		
7 Evaluation (Footnote 1)	\$10,200			\$0	\$0	\$10,200	\$0	\$0
8 Audit	\$13,000			\$13,000	\$13,000	\$13,000		
9 Insurance	\$30,000			\$30,000	\$30,000	\$30,000		
10 Legal	\$41,000			\$41,000	\$41,000	\$41,000		
Admin overhead - 15% of Salaries and								
11 Benefits				\$472,372	\$472,372	\$45,484	\$331,555	\$95,333
12 Benefits - 20.45 % of Salaries			\$534,662		\$534,662	\$62,010	\$342,882	\$129,970
13 Ongoing training	\$2,000			\$82,000	\$82,000	\$10,000	\$52,000	\$20,000
Off-Hour emergency service - 5% of								
14 direct service delivery and supervisors			\$96,922		\$96,922		\$65,144	\$31,778
15 Supervisors	\$69,911	5	\$349,555		\$349,555		\$220,192	\$129,363
16 Support staff	\$42,470	5	\$212,350		\$212,350		\$133,764	\$78,586
Services Formula								
17 Foster care workers / permanency workers	\$63,555	8	\$381,330		\$381,330		\$381,330	
18 Foster care trainer / Recruit support / Placement resource	\$63,555	1	\$63,555		\$63,555		\$63,555	
19 Case managers (child intervention)	\$63,555	9	\$571,995		\$571,995		\$571,995	
20 Family enhancement workers	\$63,555	10	\$635,550		\$635,550			\$635,550
21 Service purchase @ \$125/child				\$390,875	\$390,875		\$195,438	\$195,438
22 Travel for service staff	\$10,000			\$320,000	\$320,000	\$10,000	\$210,000	\$100,000
23 Remoteness adjustment (fixed)				\$64,500	\$64,500			\$64,500
Totals:		41	\$3,149,144	\$1,483,747	\$4,612,891	\$574,920	\$2,567,655	\$1,480,518

Agency Core and Protection

Least Disruptive Measures / Prevention Funding

New Operations formula and Least Disruptive Measures/Prevention Funding Total

2015-2016 Allocation
\$3,142,575
\$1,480,518
\$4,623,093

The following is Exhibit "D"
referred to in the Affidavit of Service of Raymond Shingoose
affirmed before me 20th day of December 2016

Sheila Deshoot
so Notary Public, so
a Commissioner, etc.



**My Appointment Expires
November 30, 2021**

FINANCIAL GAPS IN SERVICES

CHRT Funding Increase 2016-2021

	Base Cost	Immediate	2017-18	2018-19	2019-2020	2020-2021	
Administration							
Capital		\$ 210,000	\$ 35,000	\$ 100,000	\$ 70,000	\$ 35,000	
Information Technology			\$ 50,000	\$ 50,000	\$ 36,500	\$ 50,000	
Salaries and Benefits					\$ 423,001	\$ 512,994	
Succession Planning			\$ 10,000				
Legal Fees Corporate		\$ 35,365	\$ 40,000	\$ 40,000	\$ 40,000	\$ 25,000	
Overhead	\$0		\$ 10,000				
Training			\$ 5,000				
Audit	\$13,000	\$ 17,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	
Travel	\$10,000						
Office Equipment		\$ 21,800	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	
Insurance	\$30,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	
Child Protection							
Intake & Investigations		\$ 12,000					
After Hours on Call							
Mental Health							
Training							
First Nation Cultural Integration							
Case Aides							
CORE Curriculum Dev		\$ 60,000		\$ -	\$ -	\$ -	\$ 60,000
Emergency Response Systems	\$11,400	\$ 11,400	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	
Crisis Response Systems	\$13,200	\$ 13,200	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	
Risk Management	\$50,000						
Quality Assurance		\$ -	\$ -	\$ -	\$ -	\$ -	
Family Wellness Worker (After Care, Pre/Post Services)	\$50,000						
Least Disruptive Care	\$75,000						
New Positions		\$ 92,765	\$ 373,028	\$ 382,896	\$ 393,049	\$ 403,507	

Yorkton Tribal Council Child and Family Services Inc.

FINANCIAL GAPS IN SERVICES

Child in Care Costs

Legal Fees CIC	\$41,000	\$	-	\$	-	\$	-	\$	-
Special Needs Jordans Principle									
Special Needs Agency									
Information Technology									
Unforeseen/Emergency Funds									
Out of Province Case									
Child Death Reviews									
Service Purchases	\$175	\$	525,000	\$	525,000	\$	525,000	\$	525,000
Quality Assurance									
First Nation Cultural Integration									

Governance

First Nation Legislation										
Chiefs/Board/Elders	\$50,000									
Succession Planning										
Policy & Procedure										
Capacity Development										
Risk Management	\$	40,000			\$	19,401				
Drug Testing										
Child First Model Development/Training	\$	100,000								
Debt Recovery (Contingency)	\$	267,558			\$	131,104	\$	87,951	\$	24,000
Possible Years of Services Incentives	\$	20,000			20000					

Prevention

Mental Health Services		\$	-						
Information Technology (at risk families)		\$	5,000						
Family Violence	0								
First Nation Cultural Integration									
Family Assistance Moved to CSA	\$50,000	\$	-						
Child Tax Benefits Gap	\$20,000	\$	-						
Capital Requirements	\$100,000	\$	16,823						

Yorkton Tribal Council Child and Family Services Inc.

FINANCIAL GAPS IN SERVICES

Community

Drug Addicted Babies	\$10,000							
Assessments	\$10,000							
Housing	\$80,000							
Elders Advisory	\$25,000	\$ 25,055	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	
Youth Advisory	\$12,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Family Assistance through Prevention and CSA	\$20,000							
Child Tax Benefits Gap	\$20,000							

Family Support

Provincial vs Community Standards	\$10,000	\$ 10,234	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	
First Nation Cultural Integration								
Family Assistance								
Child Tax Benefits Gap								

First Nations Cultural Integration (I)

Training:

Indian Residential Schools on History and Impacts.
All decision makers are trained in IRS

Oversight (I)

First Nation Children and Families Advocate
Indian Social Worker Association
Indian Foster Care Association (LT)
First Nation Cultural Integration

TOTAL	\$951,372	\$1,144,851	\$1,308,401	\$1,635,501	\$1,635,501	\$6,675,627
Short	973055	1144851	1308401	1635501	\$1,635,501	
Creation of BI, CMS, PPMS beginning 2009. Engaged with Hy-Tek Computers and two IT consultants and employed two Data Administrators. Total from 2009 estimate of \$600,000.00 has been spent.		\$0	\$0	\$0	\$0	-\$6,675,627

HY-Tek Costs (ongoing) - PI

Consultant Costs - TT

Data Administrator and Trainer (two employees) - MC, VB

HR Staff salaries comparable to Sask Provincial Salaries - level 1

Yorkton Tribal Council Child and Family Services Inc.

FINANCIAL GAPS IN SERVICES

\$800,000.00 Short fall for first level front line staff & Admin. Base start for Front line is 63,555.00 and \$42,470 for Admin.

Pension Plan for employees comparable to Provincial employee pension plan
Extending Our Care - Foster Parent Training
CORE training for Prevention & Protection staff. To develop Indigenous Core Training based on Culture and values of 16 First Nations Communities. 3 year project costing \$1.3 m.
Develop 7 modules and train 63 staff ongoing
Elder's Council \$15,000 per year on going
Cultural Integration Coordinator \$65,000.00 per year. Currently operating in BC and Alberta
QA - \$25,000.00 per year positions each year in Manitoba
Addictions Specialist \$65,000 CIC
Capital Costs
Office Building for Central office
Moving costs including initial set up for phone lines and IT lines
Legal fees for clients should be based on actuals
Mental Health Therapist

Current YTCCFS pension plan is 57% less than provincial pension plan.

\$50,000/yr

Comprehensive Financial Gap analysis be done for the Child First Program
Needs Assessment be done on the 16 First Nations prior to developing the Child First Program
Jordan's Principles financial gap analysis to be done in the communities.

\$100,000

Change 1
Change 2
Change 3
Change 4
Change 5
Change 6
Change 7
Change 8
Change 9
Change 10
Change 11
Change 12
Change 13

Move 10000 from Least Disruptive fund to Capital in Year 1 Move 5000 to Intake and Investigation in Year 1
Move 5000 from Least Disruptive fund to Office Equipment in Year 2-5 Moving
Move 40000 from Legal fee CIC to Legal Fee Corporation in Year 2-4
Move 40000 from Legal fee CIC to Intakes and Investigation in Year 2-4
Replace mental Health with New Mental Health Change
Add additional 7000 to Intake and Investigation in Year 1
Attribute unused fund 20000 to Years of Services Incentives in year 1 and unused fund to repay debt for year 2 124000 and
Adjust the Legal Fee Corporation from 65000 to 40000 to fund shortfall of salary in Year 2
Adjust the travel expenses of 25000 to 0 to fund shortfall of salary in Year 2
Decrease Child Death Reviews from 25000 to 0 in year 2
Increase capital from 0 to 35000 in year 2
Decrease Intake and Investigation from 40000 to 0 due to new position fill in year 2
Year 2 debt decrease to 0

Yorkton Tribal Council Child and Family Services Inc.

FINANCIAL GAPS IN SERVICES

Change 14
Change 13
Change 16
Change 17
Change 18
Change 19
Change 20
Change 21
Change 22
Change 23
Change 24
Change 25
Change 26
Change 27
Change 28
Change 29
Change 30
Change 31

Year 2 years of services incentive increase to 20000
Year 2 decrease Capital Requirements from 24851 to 16823
Year 3 Legal Fee Corporate Fee Decrease from 65000 to 40000
Year 4 Legal Fee Corporate Fee Decrease from 65000 to 40000
Year 3 4 and 5 Overhead decrease from 10000 to 0
Year 3 4 and 5 Training decrease from 5000 to 0
Year 3 4 and 5 Travel decreases from 25000 to 0
Year 3 and 4 Decrease from 40000 to 0 due to new position
Year 3 Decrease from 124000 to 32000
Year 3 4 5 Capital decrease to 100000
Year 3 Increase debt recovery from 32000 to 131104
Year 4 and 5 Capital Decrease from 100000 to 70000
Year 4 Decrease debt recovery from 124000 to 85951
Year 5 Capital decrease from 70000 to 35000
Year 5 Decrease debt recovery from 124000 to 24000
Year 4 Transfer 2000 from legal fee c/c to debt recovery
Year 5 CIC legal fee decrease from 43500 to 0
Year 5 Salaries and Benefits decrease from 648001 to 512994

		13 payperiods	
\$66,000.00	\$74,580.00		
\$2,538.46		\$33,000.00	\$37,950.00

\$145,000.00 prev/prot
\$80,000.00 MH contract
\$65,000.00
\$10,000.00 MH travel
\$55,000.00
\$17,000.00 pa/contract
\$38,000.00

Yorkton Tribal Council Child and Family Services Inc.

FINANCIAL GAPS IN SERVICES

\$10,000.00 rae travel
\$28,000.00
\$10,000.00 cultural trav
\$18,000.00
\$5,000.00 Rae top up
\$13,000.00

Yorkton Tribal Council Child and Family Services Inc.

FINANCIAL GAPS IN SERVICES

Yorkton Tribal Council Child and Family Services Inc.

FINANCIAL GAPS IN SERVICES

Yorkton Tribal Council Child and Family Services Inc.

FINANCIAL GAPS IN SERVICES

Yorkton Tribal Council Child and Family Services Inc.

FINANCIAL GAPS IN SERVICES

I repay debt of 19553

Yorkton Tribal Council Child and Family Services Inc.

The following is Exhibit "E"
referred to in the Affidavit of Service of Raymond Shingoose
affirmed before me 20th day of December 2016

Sheila Degroot
so Notary Public, so
a Commissioner, etc.



**My Appointment Expires
November 30, 2021**

FINANCIAL GAPS IN SERVICES

CHRT Funding Increase 2016-2021

	Base Cost	Immediate	2017-18	2018-19	2019-2020	2020-2021
Administration						
Capital		\$ 200,000		\$ 200,000	\$ 200,000	
Information Technology			\$ 50,000	\$ 50,000	\$ 36,500	\$ 50,000
Salaries and Benefits		\$ 35,000			\$ 423,001	\$ 648,001
Succession Planning			\$ 10,000			
Legal Fees Corporate		\$ 5,365	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000
Overhead	\$0		\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000
Training			\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000
Audit	\$13,000	\$ 17,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000
Travel	\$10,000		\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000
Office Equipment		\$ 21,800				
Insurance	\$30,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000
Child Protection						
Intake & Investigations						
After Hours on Call						
Mental Health Services		\$ 50,000				
Training						
First Nation Cultural Integration		\$ 65,000	\$ 65,000	\$ 65,000	\$ 65,000	\$ 65,000
Case Aides						
CORE Curriculum Dev		\$ 60,000	\$ -	\$ -	\$ -	\$ -
Emergency Response Systems	\$11,400	\$ 11,400	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500
Crisis Response Systems	\$13,200	\$ 13,200	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500
Risk Management	\$50,000	\$ 40,000				
Quality Assurance		\$ -	\$ -	\$ -	\$ -	\$ -
After Care Support & Services	\$50,000	\$ 65,000	\$ 60,000	\$ 60,000		
Least Disruptive Care	\$75,000	\$ 30,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000

Yorkton Tribal Council Child and Family Services Inc.

FINANCIAL GAPS IN SERVICES

Child in Care Costs

Legal Fees CIC	\$41,000	\$	80,000	\$	80,000	\$	82,000	\$	43,500
Special Needs Jordans Principle									
Special Needs Agency									
Information Technology									
Unforseen/Emergency Funds									
Out of Province Case									
Child Death Reviews		\$	21,000						
Service Purchases	\$175	\$	525,000	\$	525,000	\$	525,000	\$	525,000
Quality Assurance		\$	25,000	\$	13,500	\$	13,500		
First Nation Cultural Integration									

Governance

First Nation Legislation									
Chiefs/Board/Elders	\$50,000								
Succession Planning									
Policy & Procedure									
Capacity Development									
Training									
Drug Testing		\$	100,000						
First Nation Cultural Integration		\$	124,000	\$	124,000	\$	124,000	\$	124,000
Debt Recovery (Contingency)		\$	124,000	\$	124,000	\$	124,000	\$	124,000

Prevention

Mental Health Services		\$	50,000	\$	50,000	\$	50,000	\$	50,000
Information Technology (at risk families)									
Family Violence	0								
First Nation Cultural Integration									
Family Assistance Moved to CSA	\$50,000	\$							
Child Tax Benefits Gap	\$20,000	\$							
Capital Requirements	\$100,000								

Yorkton Tribal Council Child and Family Services Inc.

FINANCIAL GAPS IN SERVICES

Community							
Drug Addicted Babies	\$10,000	\$ 25,055	\$ 21,351	\$ 15,901	\$ 5,000	\$ 5,000	
Assessments	\$10,000						
Housing	\$80,000						
Elders Advisory	\$25,000	\$ 15,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	
Youth Advisory	\$12,500	\$ -	\$ -	\$ -	\$ -	\$ -	
Family Assistance through Prevention and CSA	\$20,000						
Child Tax Benefits Gap	\$20,000						
Family Support							
Provincial vs Community Standards	\$10,000	\$ 10,234	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	
First Nation Cultural Integration							
Family Assistance							
Child Tax Benefits Gap							
First Nations Cultural Integration (I)							
Training:							
Indian Residential Schools on History and Impacts.							
All decision makers are trained in IRS							
Oversight (I)							
First Nation Children and Families Advocate							
Indian Social Worker Association							
Indian Foster Care Association (LT)							
First Nation Cultural Integration							
TOTAL		\$973,054	\$1,144,851	\$1,308,401	\$1,635,501	\$1,635,501	\$6,697,308

Creation of BI, CMS, PPMS beginning 2009. Engaged with Hy-Tek Computers and two IT consultants and employed two Data Administrators. Total from 2009 estimate of \$600,000.00 has been spent.

HY-Tek Costs (ongoing) - PI

Consultant Costs - TT

Data Administrator and Trainer (two employees) - MC, VB

HR Staff salaries comparable to Sask Provincial Salaries - level 1

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Yorkton Tribal Council Child and Family Services Inc.

FINANCIAL GAPS IN SERVICES

Pension Plan for employees comparable to Provincial employee pension plan
Extending Our Care - Foster Parent Training
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Addictions Specialist \$65,000 CIC
Capital Costs
Office Building for Central office
Moving costs including initial set up for phone lines and IT lines
Legal fees for clients should be based on actuals
Mental Health Therapist \$50,000/yr
Comprehensive Financial Gap analysis be done for the Child First Program \$100,000
Needs Assessment be done on the 16 First Nations prior to developing the Child First Program
Jordan's Principles financial gap analysis to be done in the communities.

Yorkton Tribal Council Child and Family Services Inc.

The following is Exhibit "F"
referred to in the Affidavit of Service of Raymond Shingoose
affirmed before me 20th day of December 2016

Sheila Degroot
Notary Public
a Commissioner, etc.



My Appointment Expires
November 30, 2021

Saskatchewan

There are 17 delegated FNCFS agencies that deliver services to 66 of the 70 First Nations in Saskatchewan with the Province providing services to the 4 remaining communities. All FNCFS agencies are fully delegated by the province and provide both protection and prevention services.

New Investments

In Year 1, approximately \$7.4 million will be provided to the 17 FNCFS agencies. Approximately \$4.5 million will be available in Q1 2016-17 as part of the Department's immediate relief funding for service providers in Saskatchewan.

By Year 4, service providers in Saskatchewan will receive approximately \$12.4 million in new investments (funding is ongoing), for a 5 Year total investment of \$51 million additional Program funding³.

Updates to the Saskatchewan Funding Formula include:

- Adjustments the children in care rate to 13/14 actuals for agencies with over 6% of children in care providing \$340,699 in additional funding to 1 FNCFS agency at full implementation;
- Upwards adjustments to staff salaries to ensure comparability with provincial rates;
- Added line for a Financial Support Worker for agencies with over 100 children in care;
- Updated off-hour emergency services to 10% from 5%;
- Added line for Intake and Investigation with a ratio of 1:40 multiple problem families, providing \$2,478,645 to all FNCFS agencies at full implementation;
- Increased agency travel funding to \$11,500 from \$10,000; and,
- Increase to \$175 to service purchase per child, from \$125, providing \$1.4 million at full implementation;

³ Subject to Parliamentary and Treasury Board approval

Interpreting Provincial Salary Increase for 2015-2016

AGENCY NAME: Yorkton Tribal Council Child and Family Services
*Note: 0-18 Population as of Dec. 31st, 2014

Total number of children served by agency 3,127
Children in care - 13714 Actuals 198
Multiple problem families 206
Number of Bands 16

Provincial Front Line Social Worker Average Salary (Oct. 1 2015) \$63,555
Provincial Social Worker Supervisor Average Salary (Oct. 1 2015) \$69,911
Provincial Support Worker Average Salary (Oct. 1 2015) \$42,470

Administrative Formula	Base Calculations	# of Staff	Salary	Non-Salary	Totals	Fixed			Variable	
						Agency Core	Protection	Enhancement		
1 Board of directors	\$50,000			\$50,000	\$50,000	\$50,000				
2 Director	\$69,606	1	\$69,606		\$69,606	\$69,606				
3 EFPA Manager/Community Co-ordinator	\$69,911	1	\$69,911		\$69,911				\$69,911	
4 HR Staff	\$45,865	1	\$45,865		\$45,865	\$45,865				
5 Secretary/Receptionist	\$42,470	1	\$42,470		\$42,470	\$42,470				
6 Finance Manager	\$57,775	1	\$57,775		\$57,775	\$57,775				
7 Executive Support Staff	\$19,940	5	\$99,700		\$99,700	\$99,700				
8 Evaluation				\$10,200	\$10,200	\$10,200				
9 Audit	\$15,000			\$15,000	\$15,000	\$15,000				
10 Insurance	\$30,000			\$30,000	\$30,000	\$30,000				
11 Legal	\$40,000			\$40,000	\$40,000	\$40,000				
Admin overhead - 15% of Salaries and										
12 Benefits				\$635,235	\$635,235	\$635,235	\$481,377	\$96,333		
13 Benefits - 20.45 % of Salaries			\$719,069		\$719,069	\$719,069	\$909,226	\$128,970		
14 Ongoing training	\$2,000			\$105,000	\$105,000	\$14,000	\$72,000	\$20,000		
On-call emergency service - 10% of total										
15 Service Delivery & Support			\$74,191		\$74,191		\$220,556	\$63,555		
16 Supervisors	\$69,911	7	\$489,377		\$489,377		\$308,269	\$181,108		
17 Service Support Workers	\$42,470	6	\$254,820		\$254,820		\$180,517	\$94,303		
Direct Services Formula										
18 Foster care workers / permanency workers	\$63,555	7	\$444,885		\$444,885		\$444,885			
19 Foster care (trainer / Recruit support / Placement resource)	\$63,555	1	\$63,555		\$63,555		\$63,555			
20 Case managers (child intervention)	\$63,555	10	\$635,550		\$635,550		\$635,550			
21 Child Welfare Workers	\$63,555	5	\$317,775		\$317,775		\$317,775			
22 Enhanced Prevention workers	\$63,555	10	\$635,550		\$635,550			\$635,550		
23 Prevention workers	\$63,555	10	\$635,550		\$635,550		\$635,550			
24 Prevention workers	\$63,555	10	\$635,550		\$635,550		\$635,550			
25 Remote area adjustment (fixed)				\$74,175	\$74,175			\$74,175		
Totals:		51	\$4,235,209	\$2,048,395	\$6,283,604	\$6,79,812	\$3,901,365	\$1,752,518		

Agency Core & Protection \$ 4,531,177
Prevention Funding \$ 1,752,518
Total Formula Funding \$ 6,283,695

		2013-2015 Actuals										2015-2016 Budgeted									
		14/15 Conf/		14/15		14/15		14/15		14/15		15/16		15/16		15/16					
		Ops Funding		Prevention Funding		Total Core Operations		Maintenance Allocation (a-b+c)		Total Operations Protection Prevention		Funding Increase 100%		Operations Increase 100%		Prevention Increase 100%					
		(a)		(b)		(c)		(d)		(e)		(f)		(g)		(h)					
		2014		2015		2016		2017		2018		2019		2020		2021					
Salaries	3127	5	3,096,024	5	1,636,912	5	4,661,637	53,196,628	5	7,890,545	5	620,413	5	3,501,385	5	1,755,518	5	521,146			
OTC	5125	5	34,301,813	5	14,100,168	5	48,392,182	535,028,610	5	84,240,791	5	3,536,738	5	3,536,738	5	3,536,738	5	3,536,738			
Travel	26004	5	34,301,813	5	14,100,168	5	48,392,182	535,028,610	5	84,240,791	5	3,536,738	5	3,536,738	5	3,536,738	5	3,536,738			
Supplies	3127	5	3,096,024	5	1,636,912	5	4,661,637	53,196,628	5	7,890,545	5	620,413	5	3,501,385	5	1,755,518	5	521,146			
Equipment	5125	5	34,301,813	5	14,100,168	5	48,392,182	535,028,610	5	84,240,791	5	3,536,738	5	3,536,738	5	3,536,738	5	3,536,738			
Contract	26004	5	34,301,813	5	14,100,168	5	48,392,182	535,028,610	5	84,240,791	5	3,536,738	5	3,536,738	5	3,536,738	5	3,536,738			
Other		5	3,096,024	5	1,636,912	5	4,661,637	53,196,628	5	7,890,545	5	620,413	5	3,501,385	5	1,755,518	5	521,146			
Total		5	34,301,813	5	14,100,168	5	48,392,182	535,028,610	5	84,240,791	5	3,536,738	5	3,536,738	5	3,536,738	5	3,536,738			
Total 60%		5	3,096,024	5	1,636,912	5	4,661,637	53,196,628	5	7,890,545	5	620,413	5	3,501,385	5	1,755,518	5	521,146			
Total 65%		5	3,096,024	5	1,636,912	5	4,661,637	53,196,628	5	7,890,545	5	620,413	5	3,501,385	5	1,755,518	5	521,146			
Total 70%		5	3,096,024	5	1,636,912	5	4,661,637	53,196,628	5	7,890,545	5	620,413	5	3,501,385	5	1,755,518	5	521,146			
Total 75%		5	3,096,024	5	1,636,912	5	4,661,637	53,196,628	5	7,890,545	5	620,413	5	3,501,385	5	1,755,518	5	521,146			
Total 80%		5	3,096,024	5	1,636,912	5	4,661,637	53,196,628	5	7,890,545	5	620,413	5	3,501,385	5	1,755,518	5	521,146			
Total 85%		5	3,096,024	5	1,636,912	5	4,661,637	53,196,628	5	7,890,545	5	620,413	5	3,501,385	5	1,755,518	5	521,146			
Total 90%		5	3,096,024	5	1,636,912	5	4,661,637	53,196,628	5	7,890,545	5	620,413	5	3,501,385	5	1,755,518	5	521,146			
Total 95%		5	3,096,024	5	1,636,912	5	4,661,637	53,196,628	5	7,890,545	5	620,413	5	3,501,385	5	1,755,518	5	521,146			
Total 100%		5	3,096,024	5	1,636,912	5	4,661,637	53,196,628	5	7,890,545	5	620,413	5	3,501,385	5	1,755,518	5	521,146			

Saskatchewan		Funding Increase @ 60%		Funding Increase @ 70%		Funding Increase @ 80%		Funding Increase @ 100%		Funding Increase Q1/Q2		Funding Increase Q3/Q4	
VTC	\$	973,054.80	\$	1,135,230.60	\$	1,297,406.40	\$	1,621,758.00	\$	589,730.18	\$	383,324.62	\$
TOTAL	\$	7,330,504.20	\$	8,552,254.90	\$	9,774,005.60	\$	12,217,507.00	\$	4,442,729.82	\$	2,887,774.38	\$

The following is Exhibit "G"
referred to in the Affidavit of Service of Raymond Shingoose
affirmed before me 20th day of December 2016

Sheila Degroot
- Notary Public -
a Commissioner, etc.



My Appointment Expires
November 30, 2021

AANDC Funding vs Actual Requirements

Year	Type	Amount	Sub-Total	Actual Requirements	Surplus/(Deficit)	
2008-09	Operations	\$ 2,285,211		\$ 2,273,435	\$ 11,776	
	*Employee Benefits	\$ 88,089		\$ 114,316	\$ (26,227)	
	Maintenance	\$ 2,120,000		\$ 2,156,367	\$ (36,367)	
	*Prevention	\$ 1,082,398		\$ 93,609	\$ 988,789	EPFA funding received in Feb 2009
	Special Education	\$ 120,000		\$ 121,616	\$ (1,616)	Deferral of 988789
			\$ 5,695,698			
2009-10	Operations	\$ 2,328,032		\$ 2,305,963	\$ 22,069	
	Maintenance	\$ 2,169,004		\$ 2,063,829	\$ 105,175	
	Prevention	\$ 1,094,177		\$ 1,017,007	\$ 77,170	
	Special Education	\$ 128,591		\$ 127,212	\$ 1,379	
			\$ 5,719,804			
2010-11	Operations	\$ 2,449,788		\$ 2,489,276	\$ (39,488)	
	Maintenance	\$ 2,123,900		\$ 2,619,770	\$ (495,870)	
	Prevention	\$ 1,064,865		\$ 942,153	\$ 122,712	
	Special Education	\$ 139,000		\$ 141,383	\$ (2,383)	
			\$ 5,777,553			
2011-12	Operations	\$ 2,497,766		\$ 2,617,481	\$ (119,715)	
	Maintenance	\$ 2,222,390		\$ 2,639,192	\$ (416,802)	
	Prevention	\$ 1,100,592		\$ 1,418,774	\$ (318,182)	
	Special Education	\$ 140,275		\$ 142,984	\$ (2,709)	
			\$ 5,961,023			
2012-13	Operations	\$ 3,047,461		\$ 3,637,451.00	\$ (589,990)	
	Maintenance	\$ 2,073,127		\$ 2,073,127.00	\$ -	
	Prevention	\$ 2,091,156		\$ 2,247,698.00	\$ (156,542)	
	Special Education	\$ 42,004		\$ 39,192.00	\$ 2,812	
			\$ 7,253,748		\$ -	
2013-14	Operations	\$ 3,397,265		\$ 3,369,770	\$ 27,495	
	Maintenance	\$ 2,861,037		\$ 2,861,037	\$ -	
	Prevention	\$ 1,586,878		\$ 1,820,445	\$ (233,567)	
	Special Education	\$ 114,500		\$ 115,491	\$ (991)	
	*Evaluation	\$ 30,600		\$ 32,793	\$ (2,193)	
			\$ 7,990,280			
2014-15	Operations	\$ 3,098,025		\$ 3,487,194	\$ (389,169)	
	Maintenance	\$ 3,198,658		\$ 3,511,996	\$ (313,338)	
	Prevention	\$ 1,563,912		\$ 1,745,831	\$ (181,919)	
	Special Education	\$ 152,000		\$ 161,080	\$ (9,080)	
			\$ 8,012,595			
2015-16	Operations	\$ 3,177,575		\$ 3,177,575	\$ -	
	Maintenance	\$ 3,669,074		\$ 3,669,074	\$ -	
	Prevention	\$ 1,480,518		\$ 1,480,518	\$ -	
	Special Education	\$ 118,634		\$ 118,634	\$ -	
			\$ 8,445,801		\$ (1,976,771)	

**First Nations Child and
Family Caring Society, et al/
Complainants (Moving Party)** **and** **Attorney General of Canada
Respondent (Responding Party)**

Tribunal File: T1340/7008

CANADIAN HUMAN RIGHTS TRIBUNAL

Affidavit of Raymond Shingoose
(Affirmed December 20, 2016)

NAHWEGAHBOW, CORBIERE
Genoodmagejig/Barristers & Solicitors
David C. Nahwegahbow, IPC, LSM (22473L)
5884 Rama Road, Suite 109
Rama, ON L3V 6H6
T: (705) 325-0520
F: (705) 325-7204
dndaystar@nncfirm.ca

Counsel for the Complainant (Moving Party)

CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and
ASSEMBLY OF FIRST NATIONS**

Complainants

-and-

CANADIAN HUMAN RIGHTS COMMISSION

Commission

-and-

**ATTORNEY GENERAL OF CANADA
(representing the Minister of Indigenous and Northern Affairs Canada)**

Respondent

-and-

**CHIEFS OF ONTARIO and
AMNESTY INTERNATIONAL CANADA**

Interested Parties

AFFIDAVIT OF THELMA MORRIS

**I, THELMA MORRIS, of the Municipality of SIOUX LOOKOUT in the Province of
Ontario, MAKE OATH AND SAY:**

1. I am the Executive Director of Tikinagan Child and Family Services ("Tikinagan") and as such, have knowledge of the facts herein deposed by me.

2. I have been Executive Director of Tikinagan since August 2015. I initially worked for several years as a Tikinagan frontline worker and supervisor after graduating from Confederation College with a Native Mental Health Worker diploma in 1997. I left Tikinagan to pursue university studies and earned my Bachelor of Arts in 2004 and then my Honours Bachelor of Social Work in 2006, both from Lakehead University. In 2009, I returned to Tikinagan as a Service Manager, and was promoted in 2011 to Director of Services. Thereafter, I became the Associate Executive Director in 2013.
3. As Executive Director of Tikinagan I have direct, subject-matter expertise concerning the unique challenges of delivering child and family services to remote communities in Northwestern Ontario. My role as Executive Director of Tikinagan involves extensive communications with Nishnawbe Aski Nation ("NAN") First Nations communities and government stakeholders on a variety of issues concerning child and family services. I am seeking to bring this expertise before the Canadian Human Rights Tribunal (the "Tribunal") to ensure that any remedies ordered by the Tribunal are designed with the unique considerations of agencies engaged in child welfare service delivery to remote communities in Northwestern Ontario.
4. My affidavit will provide: (1) an overview of the NAN-mandated child welfare agencies, providing background information on Tikinagan in particular; (2) an overview of the unique challenges of service delivery to northern and remote communities in Northwestern Ontario; and, (3) a review of two *immediate relief* measures which would greatly assist Tikinagan in particular and NAN-mandated child welfare agencies in general with addressing *some* of the challenges with service delivery to northern and remote communities, specifically (i) agency debt relief and, (ii) a capital infrastructure needs assessment study.

I. ABOUT TIKINAGAN & NAN MANDATED CHILD WELFARE AGENCIES

5. There are three NAN mandated child welfare agencies: (1) Kunuwanimano Child and Family Services ("Kunuwanimano"); (2) Payukotayno James and Hudson Bay Family Services ("Payukotayno"); and, (3) Tikinagan. Kunuwanimano, Payukotayno and Tikinagan are three of nine Indigenous child welfare societies providing services in Ontario under the Child and Family Services Act ("CFSA").¹ Kunuwanimano, Payukotayno and Tikinagan are designated under the CFSA and have all of the responsibilities of any Children's Aid Society ("CAS") in Ontario.
6. Tikinagan, located in Sioux Lookout, serves 30 First Nations communities in the western portion of NAN territory. Tikinagan was created by the Chiefs of NAN in 1984 to serve children and families in ways that respect the particular culture and unique needs of NAN communities. Along with Payukotayno, Tikinagan became the first Aboriginal agency recognized as a child protection organization in Ontario. Tikinagan is the largest designated Aboriginal children's aid society by both geography and budget size.

II. CHALLENGES OF SERVICE DELIVERY TO NORTHERN, REMOTE COMMUNITIES

7. Delivering child and family services to remote and northern communities is challenging for a number of reasons; however, a significant factor is the large geographic area and the isolation of the communities served.
8. In a previous affidavit filed in these proceedings, NAN's Director of Social Services, Bobby Narcisse² outlined a non-exhaustive list of the types of factors which exacerbate the challenges

¹ *Child and Family Services Act*, R.S.O. 1990, c. C.11

² The March 18, 2016 affidavit of Bobby Narcisse was filed in support of NAN's motion to intervene as an 'interested party'.

of service delivery to remote and northern communities. I adopt and reproduce paragraph 35 from Mr. Narcisse's March 18, 2016 affidavit³, outlining these factors, as follows:

- **Transportation** is a major challenge in the North. Accessing remote and isolated communities is a time consuming and expensive exercise. Many NAN communities do not have year round road access. Ice roads provide access in the winter months, requiring lengthy travel times. During the rest of the year, air travel is the only option;
- **Staff recruitment and retention** is also challenging in the North, particularly with developing and keeping qualified staff in communities. Communities are isolated and the population is dispersed amongst a large land mass. There is a stigma against child and family service workers which is a by-product of the legacy of the "Sixties Scoop" and the association of child and family services with the removal of children from the community. Additionally, there are challenges obtaining accreditation for local community workers who wish to work in the field. These factors, amongst many, lead to a high turnover of staff and community professionals;
- **Access to suitable housing** is also a serious challenge in the North. The shortage of available housing makes it difficult for agencies to hire staff from outside the community. Shortage of housing also creates difficulties in finding suitable foster homes. Housing shortages create living environments where many people are forced to share one home;

³ The reproduced paragraphs are paragraph 35 of Bobby Narcisse's March 18, 2016 Affidavit.

- **The lack of other social services** for both children's services and other social programs is a common factor in small and remote First Nations communities. This creates an environment where child and family services are being offered without the associated necessary supports. This impacts the performance and quality of child and family services and increases the burden on agencies operating within such an environment;
- **Geographic and socio-demographic characteristics** differ greatly between First Nations communities serviced by designated Aboriginal CASs versus non-Aboriginal CASs. There are several distinct differences between these two groups – specifically, Aboriginal CASs:
 - i. serve significantly larger and less inhabited geographic areas;
 - ii. have significantly larger case volumes per population;
 - iii. serve more children and youth in-care as opposed to within family homes;
and,
 - iv. have smaller operating budgets but with significantly higher expenditures per child/youth;
- **High cost of food** represents a significant challenge faced by families in NAN communities who are trying to feed their children healthy nutritious foods. The high cost of food is directly related to the geographic and socio-demographic characteristics of NAN communities. As a result of the high cost of food, many

families are forced to rely on more affordable but calorie-rich & nutrient poor foods;

- **Health problems** afflict NAN communities to a higher degree when compared to other regions. NAN territory has one of the highest diabetes rates in the country, as well as increasing incidences of child obesity, heart disease and other chronic diseases which have been directly linked to access and consumption of non-nutritious food. Financial hardship makes coping with health problems more difficult and exacerbates existing medical conditions;
- **The high cost of heat and hydro** adds to the burdens faced by NAN communities. Many NAN communities rely on diesel fuel power generation and have been experiencing high energy bills which increases stressors on families to make ends meet;
- **Economic poverty** is particularly pronounced in northern, remote communities as a result of the factors described above;
- **A growing suicide epidemic** has thrown several NAN First Nations into crisis. There have been more than 500 suicides across NAN First Nations from 1986 to 2016, involving more than 70 children aged 10-14 and nearly 200 youth aged 15-20; and,
- **Funding disparities** between Indigenous and non-Indigenous child and family agencies aggravates the challenges described above.

9. In addition to the above identified factors, Tikinagan, (which is, as outlined above, the largest designated Aboriginal CAS by both geography and budget size) operates in an environment of chronic underfunding, combined with the challenges of service delivery to northern and remote communities including routinely flooded roadways and mould in building facilities.
10. Each of the above identified factors adds to the *expense* of child and family service delivery in the remote north,. These factors and expenses are a necessary part of effective service delivery to remote and northern communities.
11. Further, these remoteness factors are chronically underfunded or not funded at all. This forces agencies like Tikinagan to deliver services to remote and northern communities, as best as we can, within the resources and funding envelopes provided to us. Over time, this has resulted in at least two (of many) chronic conditions affecting northern and remote child welfare agencies: (1) routine budget shortfalls and accumulated deficits; and, (2) neglected capital infrastructure needs. I discuss both issues in further detail in the subsequent sections.

III. Chronic Underfunding and Unsustainable Debt

12. As of March 31, 2016, Tikinagan has an operating deficit of \$4,492,793 arising from accumulated prior and current year operating expenditures. Attached to my affidavit as **Exhibit A** is a copy of Tikinagan's financial information for fiscal year 2015/16.
13. Historically, Tikinagan has routinely faced significant budgeting shortfalls. Below, I itemize the accumulated deficits faced by Tikinagan during the previous five fiscal years:

- March 31, 2015 → -\$4,019,005
- March 31, 2014 → -\$3,447,861

- March 31, 2013 → -\$341,510
- March 31, 2012 → -\$90,589
- March 31, 2011 → -\$3,005,382

14. Tikinagan routinely submits a deficit budget for funding approval by the Province of Ontario.

The resulting operating deficits that inevitably occur at the end of the fiscal year are therefore not surprising. The reason why Tikinagan routinely faces operating budget shortfalls is because Tikinagan is chronically underfunded at source. Tikinagan's funding allocations have failed to account for the *actual* cost of child and family service delivery to remote and northern communities.

15. Chronic underfunding and recurring deficits negatively affect Tikinagan's ability to provide effective child and family services to our children and families residing in northern and remote communities. If properly funded, Tikinagan could afford to properly pay, train and retain its staff and provide more effective and culturally appropriate child and family services, as is our mandate from the Chiefs of NAN First Nations.

16. A significant form of immediate relief would be for the Tribunal to issue a one-time order that Canada immediately fund the currently outstanding deficit of Tikinagan, at cost. Such an order would of course, not address the long-term chronic underfunding faced by northern and remote agencies; however, such an order would provide significant and *immediate relief* to budgetary pressures experienced by Tikinagan *at this very moment in time*. This form of immediate relief would give Tikinagan more room and flexibility to address the many pressing and complex

needs of children and families using child welfare services in remote and northern communities.

IV. Capital Infrastructure Needs

17. When compared to child welfare agencies delivering services in, or closer to, urban regions, Tikinagan operates out of substandard, run-down, cramped buildings and has limited access to proper facilities for both children and families as well as community staff.
18. Some of these challenges were described in a report (which is before the Tribunal as evidence) by David Barnes and Vijay Shankar, titled, *Northern Remoteness: Study and Analysis of Child Welfare Funding Model Implications on Two First Nations Agencies Tikinagan Child and Family Services and Payukotayno; James Bay and Hudson Bay Family Services* (the "Barnes Report").⁴ The Barnes Report included a review of some of the capital needs of Tikinagan and Payukotayno in particular, and provided the following devastating account:

Nothing could have prepared the consultants for the impact of what was experienced in visiting the first community. In twenty-five years of Child Welfare service, this consultant had never witnessed such appalling conditions. The physical state of the office would not have met any standards that exist in the south. Windows were broken and in some cases boarded up, offices were cramped and overcrowded. This experience was to be repeated in other communities as well. ... In many communities there are not [sp] adequate facilities to support staff who may have to spend several days before the weather clears before they can return to their home base.... it is imperative that the agencies that were studied in this review, continue to be seen as unique in dealing with the challenges they face in carrying out the child welfare mandate.⁵

⁴ Please refer to the 'Northern Remoteness Study and Analysis of Child Welfare Funding Model Implications on Two First Nations Agencies: Tikinagan Child and Family Services and Payukotayno; James Bay and Hudson Bay Family Services', found at Tab 219 of the Commission's materials. The report was entered into evidence on September 4, 2013 and assigned Exhibit # HR-011-219-094 and production number CHRC640. [the "Barnes Report"]

⁵ Please refer to the Barnes Report, CHRC BOD, Ex. HR-011-219-094, Tab 219, at Part 1, 'Overview', pages 3-4.


19. In addition to the above identified challenges, Tikinagan staff routinely work in building facilities that are ridden by mould.
20. Generally, Tikinagan must use and work with whatever facilities are existent and available within each community. Typically, this involves Tikinagan leasing a buildings, or a part of a building, from NAN communities. Tikinagan leases satellite office space in approximately nineteen communities, along with branch offices in approximately eleven communities. In some communities, where building facilities are inadequate or non-existent, Tikinagan has purchased trailers which are used as agency operated homes. Tikinagan owns two group home facilities: one in Big Trout Lake First Nation and the other in Cat Lake First Nation.
21. Tikinagan attempts to assist with the upkeep of the community facilities we lease; however, there are insufficient financial resources to address all needs including, mould which is one of the biggest issues that plagues many community facilities utilized by Tikinagan.
22. Additionally, due to the lack of facilities and services available within many remote and northern communities, Tikinagan has at times been forced to place children outside of their communities, in order for these children to receive both proper services and adequate housing. Further, there is limited infrastructure to house community-based staff. The cost of renting/maintaining the available facilities is high, adding additional budgetary pressures.
23. Tikinagan has never had a capital needs assessment study conducted during my time as Executive Director and my staff are unable to recollect any such study being conducted in Tikinagan's recent history.

24. Addressing the many capital infrastructure gaps and needs faced by Tikinagan, and other northern and remote agencies, will require comprehensive, long-term reform; however, in the interim, we are requesting that a capital needs assessment study be conducted as a form of immediate relief.
25. The primary objectives of a capital needs assessment study would be to: (1) itemize current infrastructure; (2) identify needed infrastructure required to fulfill child welfare mandate and the needs of remote and northern communities; and, (3) identify funding gaps related to capital infrastructure needs. Not only is this study overdue, it is desperately needed to determine the capital infrastructure required to adequately and effectively serve the children and families that Tikinagan is mandated to protect and care for.
26. Completed within a reasonable timeframe, the undertaking of a comprehensive study on the capital infrastructure needs of Tikinagan is a necessary *precondition* of addressing and properly funding the capital infrastructure needs of northern and remote agencies.
27. I am aware that Canada has sent Agencies a letter of engagement, requesting agency specific information by June 30, 2017. This letter of engagement is not a substitute for a proper, comprehensive capital needs assessment study which would be designed for the specific purpose of assessing capital infrastructure needs, rather than a general request for agency information.
28. I make this affidavit for the purposes of NAN's submissions in anticipation of a hearing on immediate relief, currently scheduled for March 22, 23, 24, 2017 in the *First Nations Child*

and *Family Caring Society v. Canada*⁶ proceedings before the Tribunal and for no other or
improper purpose.

AFFIRMED BEFORE ME this)
20th day of December, 2016)
in the Municipality of Sioux Lookout)
in the Province of Ontario.)


A Commissioner etc.)


Thelma Morris

LSUC
17341 D

⁶ *First Nations Child and Family Caring Society v. Canada*, 2016 CHRT 2. File No.: T1340/7008. Decision rendered January 26, 2016.

Tikinagan Child and Family Services
Statement of Operations and Changes in Net Assets
For the year ended March 31, 2016

	Externally Restricted	Internally Restricted			
	Operating Fund	Donation Fund	Children's Trust Fund	2016	2015
Revenue					
Child Welfare	54,076,593	-	-	54,076,593	52,451,422
Cat Lake Treatment Centre	1,258,890	-	-	1,258,890	1,253,186
Service Programs	3,009,519	-	-	3,009,519	2,879,511
Special Projects	9,353	-	-	9,353	10,978
Donation Fund	-	1,207	-	1,207	1,948
Ontario Child Benefit	1,011,148	-	-	1,011,148	1,145,497
Total revenue (page 3)	59,365,303	1,207	-	59,366,510	57,742,542
Expenses					
Child Welfare	54,545,453	-	-	54,545,453	53,022,566
Cat Lake Treatment Centre	1,258,890	-	-	1,258,890	1,253,186
Service Programs	3,009,519	-	-	3,009,519	2,879,511
Special Projects	9,353	-	-	9,353	10,978
Children's Trust Fund	-	-	-	-	4,750
Ontario Child Benefit	1,011,148	-	-	1,011,148	1,145,497
Total expenses (page 4 and 5)	59,834,163	-	-	59,834,163	58,316,488
Excess (deficiency) of revenue over expenses	(468,860)	1,207	-	(467,653)	(573,948)
Net assets - beginning of year	(4,019,005)	162,407	31,150	(3,825,448)	(3,251,502)
Interfund transfer (Note 15)	(4,928)	-	4,928	-	-
Net assets - end of year	(4,492,793)	163,614	36,078	(4,293,101)	(3,825,448)

This is Exhibit "A" referred to in the
affidavit of Thelma Morris.
Sworn before me this 20th day
of December A.D. 2016
C.M. Brannan
A Commissioner, Etc.

LSUC 17341D

CANADIAN HUMAN RIGHT TRIBUNAL

BETWEEN:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and
ASSEMBLY OF FIRST NATIONS**

Complainants

-and-

CANADIAN HUMAN RIGHTS COMMISSION

Commission

-and-

**ATTORNEY GENERAL OF CANADA
(representing the Minister of Indigenous and Northern Affairs Canada)**

Respondent

-and-

**CHIEFS OF ONTARIO and
AMNESTY INTERNATIONAL CANADA**

Interested Parties

AFFIDAVIT OF ODI DASHSAMBUU

**I, Odi Dashsambuu, of the City of Toronto, in the Province of Ontario, MAKE OATH
AND SAY:**

1. I am a legal assistant with the law office of Falconers LLP, and as such have knowledge of the matters to which I herein depose, except where my knowledge is based on information

and belief. Where I rely on information and belief, I am advised by Akosua Matthews (“Ms. Matthews”) and Marc E. Gibson (“Mr. Gibson”), both lawyers at Falconers LLP.

I. INTRODUCTION

2. Falconers LLP represents the interested party, Nishnawbe Aski Nation (“NAN”).
3. NAN filed a Notice of Motion on November 22, 2016 in the *First Nations Child and Family Caring Society v. Canada*¹ proceedings before the Canadian Human Rights Tribunal (“the Tribunal”), in contemplation of a hearing on immediate relief, currently scheduled for March 22, 23, and 24 of 2017.
4. I am advised by Ms. Matthews that NAN’s Notice of Motion seeks the following immediate relief remedies with respect to a remoteness quotient:
 - i. that the Respondent (“Canada”) apply the remoteness quotients identified in the *Barnes Report*, to all funding for Payukotayno James and Hudson Bay Family Services, Tikinagan Child and Family Services and Kunuwanimano Child and Family Services (“NAN-mandated child welfare agencies”); and,
 - ii. that the Respondent fund jointly-appointed experts to: (1) obtain remoteness data; and (2) develop a remoteness quotient.
5. The herein affidavit addresses the remoteness quotient remedies identified in NAN’s November 22, 2016 Notice of Motion.

¹ *First Nations Child and Family Caring Society v. Canada*, 2016 CHRT 2. File No.: T1340/7008. Decision rendered January 26, 2016.

II. REMOTENESS QUOTIENT

6. I am advised by Ms. Matthews that NAN introduced the concept of a remoteness quotient at paragraphs 26-55 in NAN's immediate relief submissions filed on May 19, 2016.
7. I am advised by Ms. Matthews that the Tribunal issued a decision on immediate relief on September 14, 2016 where the Tribunal ruled in support of NAN's position that a "remoteness quotient needs to be developed as part of medium to long term relief and that data needs to be appropriately collected."²
8. I am advised by Ms. Matthews that the Tribunal's September 14, 2016 decision on immediate relief ordered "INAC to provide detailed information in its compliance reports to clearly demonstrate how it is determining funding for remote FNCFS Agencies that allows [remote agencies] to meet the actual needs of the communities they serve".³
9. I am advised by Ms. Matthews that in the Respondent's October 31, 2016 compliance report, INAC stated that it does not have or currently collect sufficient data or information to create a remoteness quotient.⁴ I am further advised by Ms. Matthews that INAC has not provided any information regarding what data it does collect or have access to.
10. I am advised by Mr. Gibson that NAN has taken steps to contact academics who may be able to assist with the development of a remoteness quotient. Mr. Gibson attended at the University of Toronto Faculty of Economics, contacted several professors, and was referred to Professor Emeritus Thomas A. Wilson ("Professor Wilson").
11. Professor Wilson is an Emeritus Professor of Economics and Senior Advisor to the Policy and Economic Analysis Program at the Rotman Institute for International Business at the

² Para 80, 2016 CHRT 16

³ Para 81, 2016 CHRT 16

⁴ Page 9, Section G, INAC October 31, 2016 Compliance Report

University of Toronto. Professor Wilson is a member of the National Accounts Advisory Committee and the Statistics Council for Statistics Canada. A copy of Professor Wilson's faculty website pages from the University of Toronto and Professor Wilson's curriculum vitae are attached to this affidavit as **Exhibit "A"**.

12. I am advised by Mr. Gibson that he has attended at least five telephone calls with Professor Wilson between December 15, 2016 and December 20, 2016 and exchanged a number of emails.
13. I am advised by Mr. Gibson that Professor Wilson is providing advice with respect to the collection of data, the steps required to create an empirically based remoteness quotient, and the merits of a remoteness quotient compared to alternative methods of adjusting for the differential in the costs of services in northern and remote communities. I am further advised by Mr. Gibson that Professor Wilson is still in the process of reviewing materials provided by NAN and consulting with colleagues concerning an appropriate data collection and analysis process. In particular, Professor Wilson is reaching out to social scientists with expertise in the collection and analysis of data with respect to Indigenous populations.
14. I am advised by Mr. Gibson that NAN is consulting with Professor Wilson with a view to seeking an immediate relief order from the Tribunal:
 - a) To fund the retainer of an appropriate expert or experts to assist with data collection and to empirically develop a remoteness quotient; and,
 - b) To fund the collection of necessary data.
15. I am advised by Mr. Gibson that, once Professor Wilson has finished his preliminary review and consultations, NAN and Professor Wilson have agreed to discuss the terms of a retainer with Professor Wilson and/or other appropriate experts to advise with respect to data

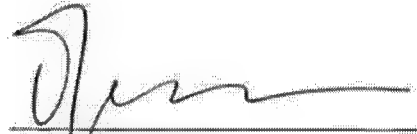
collection as part of the immediate relief process, and to advise with respect to the development of an empirical remoteness quotient as part of the medium to long-term relief process.

16. I make this affidavit for the purposes of NAN's submissions in anticipation of a hearing on immediate relief, currently scheduled for March 22, 23, 24, 2017 in the *First Nations Child and Family Caring Society v. Canada*⁵ proceedings before the Tribunal and for no other or improper purpose.

AFFIRMED BEFORE ME this)
20th day of December, 2016)
in the City of Toronto)
in the Province of Ontario.)


A Commissioner etc.)

A Matthews
LSUC 65621V


Odi Dashsambuu

⁵ *First Nations Child and Family Caring Society v. Canada*, 2016 CHRT 2. File No.: T1340/7008. Decision rendered January 26, 2016.

Thomas Arthur Wilson



Thomas Arthur Wilson

Professor Emeritus of Economics

Degrees: PhD, Harvard University
AM, Harvard University
BA, University of British Columbia

Email: Send an email to Thomas Arthur Wilson
(mailto:wilson@rotman.utoronto.ca)

Bio

Thomas Wilson is an Emeritus Professor of Economics, and Senior Advisor to the Policy and Economic Analysis Program at the Rotman Institute for International Business at the University of Toronto. His areas of research and consulting include economic forecasting, fiscal policy analysis, tax policy analysis, wage-price models, regulatory proceedings, competition policy, advertising and industrial organization.

Academic Positions

1968-Present	Professor of Economics; University of Toronto
1987-Present	Member; University College, University of Toronto
1975-1976	Visiting Ford Rotary Research Professor; University of California, Berkeley
1972-1973	Mackenzie-King Visiting Professor; Harvard University
1967-1968	Associate Professor; University of Toronto
Spring 1966	Visiting Professor; University of Western Ontario
1962-1967	Assistant Professor; Harvard University

This is Exhibit A under the Access to Information Act referred to in the affidavit of Dr. Ashsambua sworn before me, this 20th day of December, 2016

M. Matthews
A COMMISSIONER FOR TAKING AFFIDAVITS
Akosua Matthews
LSUC 65621V

Selected Publications - Papers

Released under the Access
to Information Act

- **The Future of Telecommunications Policy in Canada**; Co-editor with W. Stanbury and S. Globerman, A compendium of the papers presented at the National Conference on the Future of Telecommunications Policy in Canada; Issue: April 1993, pub. date May, 1995; Pages: pp. 529
- **Tax System of Canada**; with R.M. Bird and D.B. Perry; Tax Notes International; Issue: Jan 9; 1995; Pages: pp.152-180
- **The Sources of the Recession in Canada: 1989-1992**; with P. Dungan and S. Murphy; Canadian Business Economics; Issue: 2(2); 1994; Pages: pp. 3-15
- **Sales Tax Harmonization: The Key to Simplification**; with Jack Mintz and Pierre Pascal Gendron; Tax Notes International; Issue: 8(10) (March); 1994; Pages: pp.661-678
- **Productivity and Growth: Canada's Competitive Roots**; with M. Denny, in T.J. Courchene and D.D. Purvis, Eds; Productivity, Growth and Canada's International Competitiveness, Bell Canada Papers on Economic Policy; Issue: Vol. 1; 1993; Pages: pp. 7-57
- **An Analysis of the Profitability of Businesses of Diversified Companies**; Review of Industrial Organization; Issue: Vol 7; 1992
- **The Canada-U.S. FTA: Macroeconomic Effects and Sensitivity Analysis**; with D.P. Dungan; Journal of Policy Modeling; Issue: 13 (3); 1991
- **Modeling Anticipated and Temporary Fiscal Policy Shocks in a Macro-Econometric Model of Canada**; with D.P. Dungan; Canadian Journal of Economics; Issue: (February); 1988

Selected Publications - Books and Chapters

- **Co-editor with L. Waverman of a special issue of Canadian Public Policy - Analyse de Politiques on Macroeconomic Co-ordination and the Summit XV Supplement, (February 1989) pp.99**

Academic / Professional Service

1989-Present	Area Coordinator; Business Economics, Faculty of Management
1987-Present	Director, Policy and Economic Analysis Program; Institute for Policy Analysis, University of Toronto
1990-1992	Vice-Chair; Budget Committee, University of Toronto
1988-1993	Member; Academic Board, University of Toronto
1983-1985	Chair; Department of Economics
1982	Acting Chair; Department of Economics
1979-1982	Director of Economics; Department of Economics
1976-1977	Coordinator, Econometric Forecasting Program; Institute for Policy Analysis, University of Toronto
1969-1975	Director; Institute for Policy Analysis
1992-Present	Member of Editorial Board; Canadian Business Economics
1990-Present	Member; National Accounts Advisory Committee (Chair as of 1995), Statistics Canada
1985-Present	Member of Advisory Council; John Deutsch Institute of Economic Policy (Queen's University)

1986-1992

Associate Editor; Review of Economics and Statistics

*Released under the Access
to Information Act*

*Communiqué en vertu de la
Loi sur l'Accès à
l'information*

Honors and Awards

1984-1985

President; Canadian Economics Association

1980

Fellow of the Royal Society of Canada

1975-1976

Visiting Ford Rotating Research Professor; University of California at
Berkeley

1972-1973

MacKenzie-King Visiting Professor; Harvard University

Research and Teaching Interests

Teaches courses in economics and policy analysis. Areas of research and consulting include economic forecasting, fiscal policy analysis, wage-price models, regulatory proceedings, competition policy, advertising, and industrial organization.

Login to my account (<http://www-2.rotman.utoronto.ca/facbios/Personal/default.asp>)

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Department of Economics

UNIVERSITY OF TORONTO

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Thomas A. Wilson

**Professor Emeritus**

Ph.D. (Harvard, 1961), A.M. (Harvard, 1959), B.A. (British Columbia, 1957)

Email address: twilson@chass.utoronto.ca

Research fields: Macroeconomics, Industrial organization, Public economics

[Contact us](#)

December 1, 2016

CURRICULUM VITAE

Thomas Arthur Wilson

Place of Birth: Vancouver, British Columbia, Canada

Citizenship: Canadian

Home Address University Address

37 Lowther Avenue	Room 8032
Toronto, Ontario	Rotman School of Management
Canada, M5R 1C5	University of Toronto
Phone:	105 St. George Street
416 - 962-5018	Toronto, Ontario
	Canada M5S 3E6
	Phone: 416 - 978-4458
	Fax: 416 - 978-5433
	E-mail: twilson@chass.utoronto.ca

Education

Attended Public Schools in Vancouver, British Columbia, Canada.

Entered University of British Columbia, September 1953. Graduated with Honours B.A. in Economics in May 1957.

Entered Harvard Graduate School, September 1957. Received A.M. degree in June 1959, Ph.D. degree in June 1961.

Academic Honours

Grandview Legion University Entrance Scholarship, 1953.

Jonathan Rogers Award, 1954.

Alaska Pine Company Scholarship in Economics, 1956.

Woodrow Wilson Fellowship, 1957.

Harvard University Scholarship, 1958.

Ford Foundation pre-doctoral Fellowship, 1959.

SSRC Faculty Research Grant, 1966.

Isaak Walton Killam Award, 1969.

McKenzie-King Visiting Professor, Harvard University, 1972-73.

Visiting Ford Rotating Research Professor, University of California at Berkeley, 1975-76.

Elected Fellow of the Royal Society of Canada, 1980.

President, Canadian Economics Association, 1984-85.

Visiting Senior Fellow, Center for Business and Government,

John F. Kennedy School of Government, Harvard University, 1986.
Visiting Fellow, Wolfson College, University of Cambridge, 1987.

Teaching Experience

Part-time Teaching Assistant in Economics at the University of British Columbia, September 1955 - May 1957.
Teaching Fellow at Harvard University, September 1960 - June 1961.
Instructor at Harvard University, 1961-62.
Assistant Professor at Harvard University, 1962-1967.
Visiting Professor, University of Western Ontario, Spring 1966.
Associate Professor, University of Toronto, 1967-1968.
Visiting Professor, Harvard University, 1972-1973.
Member, University College, University of Toronto, 1987-
Professor of Economics, University of Toronto, June 1968-2001
Professor Emeritus, University of Toronto, 2001-

University Administrative Experience

Director, Institute for Policy Analysis, University of Toronto, June 1969 - June 1975.
Coordinator, Econometric Forecasting Program, Institute for Policy Analysis, University of Toronto, 1976-77.
Director of Economics, Department of Political Economy, University of Toronto, July 1979 - August 1982.
Acting Chairman, Department of Economics, University of Toronto, September 1982 - December 1982.
Chairman, Department of Economics, University of Toronto, January 1983 - June 1985.
Member, Academic Board, University of Toronto, 1988-93.
Vice-Chairman, Budget Committee of Academic Board, 1990 - 92.
Director, Policy and Economic Analysis Program, Institute for Policy Analysis, University of Toronto 1987 - 2002
Area Coordinator for Business Economics, Rotman School of Management, 1989 - 2003
Senior Advisor, Institute for Policy Analysis, 2002-

Other Professional Experience

Research Assistant at Bank of Canada, Ottawa, Summer 1957.
 Research Assistant for Professor Guy Orcutt, Harvard University, Summer 1958.
 Part-time Research Assistant at Littauer Statistical Laboratory, Harvard University, September 1958 - May 1959.
 Assistant Economist with the U.S. Congress, Joint Economic Committee project on Employment, Growth and Price Levels, June 1959 - January 1960.
 Consultant to the Commission on Money and Credit, September 1960 - February 1961.
 Consultant to the United States Treasury, 1961-1963.
 Research Supervisor (October 1963 - September 1964) and Consultant (1964-1967), Royal Commission on Taxation, Ottawa.
 Director, National Bureau of Economic Research, 1969 - 1974.
 Consultant to Department of Consumer and Corporate Affairs, Ottawa, Canada, 1969-1974.
 Senior Research Associate, NBER, 1972-77.
 Associate Editor, Review of Economics and Statistics, 1973-81.
 Member of Editorial Board, Canadian Public Policy/Analyse de Politiques, 1974-80.
 Advisor to the Minister of Finance, 1982-84.
 Member of Research Advisory Group (Macro-economics) for the Royal Commission on the Economic Union and Development Prospects for Canada, 1983-1985.
 Member of Executive Council, Canadian Economics Association, 1983-86.
 Member of Council of Advisors, C.D. Howe Research Institute, April 1983 - 1990.
 Associate Editor Review of Economics and Statistics, 1986 - 1992.
 Adviser to Thailand Development Research Institute, Bangkok, Thailand 1987.
 Adviser to Harvard Institute of International Development, Jakarta, Indonesia, 1987.
 Member, Working Group on Sales Taxes, Ontario Fair Tax Commission, 1991-92.
 Canadian Representative of Pacific Economic Outlook Forecasting Panel, 1997-1999.
 Chair, Purvis Prize Committee (Canadian Economics Association and Canadian Association of Business Economics) 1999 -2000.
 Member of Advisory Council, John Deutsch Institute of Economic Policy (Queen's University), 1985 - 2006
 Member of Editorial Board, Canadian Business Economics, 1992- 2001
 Member, National Accounts Advisory Committee, Statistics Canada, 1990- 2015 (Chair 1995-2013)
 Research Fellow, C. D. Howe Institute, 2000-
 Member, Statistics Council, Statistics Canada, 2005-2016.
 Member, Fiscal and Tax Competitiveness Council, C. D. Howe Institute 2005-
 Member, Research Committee, Canadian Tax Foundation, 2006-

Publications

1. "An Analysis of the Inflation of Machinery Prices," Study Paper No. 3, Study of Employment Growth and Price Levels, U.S. Congress, Joint Economic Committee, 1959.
2. Contributor to: Staff Report on Employment Growth and Price Levels, U.S. Congress, Joint Economic Committee, 1959.

3. "Productivity and Output in the Postwar Period," Technical Note No. 2, Study of Employment Growth and Price Levels, U.S. Congress, Joint Economic Committee, 1960.
4. (With Otto Eckstein) "The Determination of Money Wages in American Industry," Quarterly Journal of Economics, August 1962.
5. (With Otto Eckstein) "Short-run Productivity Behavior in U.S. Manufacturing," Review of Economics and Statistics, February 1964.
6. (With Lester Taylor) "Three Pass Least Squares: A Method for Estimating Models with a Lagged Dependent Variable," Review of Economics and Statistics, November 1964.
7. A Review of A Study of Cost and Demand Inflation by J.D. Pitchford, American Economic Review, December 1964.
8. (With Lawrence Officer) "Econometrics and Public Policy," a discussion paper published in Conference on Stabilization Policy, Economic Council of Canada, 1966.
9. "Comment" on "Postwar Production Relationships in Canada" by N.H. Lithwick, George Post and T.K. Rymes in Conference on Income and Wealth, National Bureau of Economic Research, October 1965.
10. Capital Investment and the Cost of Capital: A Dynamic Analysis, Royal Commission on Taxation, Study No. 30, Queen's Printer, 1967.
11. (With William S. Comanor) "Advertising, Market Structure and Performance," Review of Economics and Statistics, November 1967.
12. "Reply" to a "Comment" by McGuire and Rapping on "The Determination of Money Wages in American Industry," Quarterly Journal of Economics, November 1967.
13. (With N.H. Lithwick) The Sources of Economic Growth, Royal Commission on Taxation, Study No. 24, Ottawa, Queen's Printer, 1968.
14. (With William S. Comanor) "Advertising and the Advantages of Size," American Economic Review, May 1969.
15. (With A.R. Dobell) "The Effects of the White Paper on Saving, Investment and Economic Growth," Canadian Tax Foundation, Report of the Proceedings of the Twenty-Second Tax Conference, 1970.
16. "High Employment and Price Stability: Policy Options in an Open Economy," Proceedings of the Standing Senate Committee on National Finance, Senate of Canada, Third Session - Twenty-eighth Parliament, 1970-1971, June 8, 1971, pp. 17:5-17:23.

17. (With William S. Comanor) "On Advertising and Profitability," Review of Economics and Statistics, November 1971.
18. (With Gregory V. Jump) "Tax Policy Options for Increasing Employment Without Inflation," Canadian Tax Journal, March-April 1972.
19. (With A.R. Dobell) "The Impact of Taxation on Capital Flows and the Balance of Payments in Canada," in N.B.E.R., International Mobility and Movement of Capital, Columbia University Press, 1972.
20. (With William S. Comanor) "Advertising as a Source of Monopoly," in P.M. Chen (ed.), America's Changing Role in the 70's, Taipei, 1972, pp. 69-82.
21. "Taxes and Inflation," Canadian Tax Foundation, Proceedings of the Twenty-fourth Tax Conference, 1972.
22. (With John D. Bossons) "Adjusting Tax Rates for Inflation," Canadian Tax Journal, May-June 1973.
23. (With L.D. Taylor and S.J. Turnovsky) The Inflationary Process in North American Manufacturing, Ottawa, Information Canada, 1973.
24. (With G.V. Jump) "Canadian Fiscal Policy, 1973-74," Canadian Tax Journal, January/February, 1974.
25. (With W.S. Comanor) "Advertising and the Distribution of Consumer Demand," in S.F. Divita (ed.), Advertising and the Public Interest, American Marketing Association, Chicago, 1974, pp. 59-71.
26. (With W.S. Comanor) Advertising and Market Power, Harvard University Press, Cambridge, Mass., 1974.
27. (With G.V. Jump) "Macro-economic Effects of the Energy Crisis 1974-75," Canadian Public Policy/Analyse de Politiques, Winter 1975, pp. 30-38.
28. (With G.V. Jump) "Macro-economic Effects of Federal Fiscal Policies, 1974-75," Canadian Tax Journal, January/February 1975.
29. (With G.V. Jump) "Economic Effects of Provincial Fiscal Policies, 1975-76," Canadian Tax Journal, May/June 1975.
30. (With G.V. Jump) "Fiscal Policy in Recession and Recovery, 1975-76," Canadian Tax Journal, March/April, 1976.
31. "Commentary on Advertising and the Firm," in D.G. Tuerck (ed.), Issues in Advertising, American Enterprise Institute, 1978, pp. 124-30.

32. (With G.V. Jump) "Restrictive Fiscal Policies in Perspective, 1976-77," Canadian Tax Journal, May/June, 1977.
33. "The Province and Stabilization Policy," in Ontario Economic Council, Issues and Alternatives - 1977 Intergovernmental Relations, Toronto, 1977, pp. 123-136.
34. "Comments" on "Inflation in the United States" by Harold Shapiro, in L.B. Krause and W.S. Salant (Eds.) Worldwide Inflation, Washington, The Brookings Institution, 1977, pp. 294-97.
35. (With F.J. Reid) Wage and Price Behaviour in Canadian Manufacturing, Anti-Inflation Board, Ottawa, 1979.
36. (With W.S. Comanor) "The Effect of Advertising on Competition: A Survey," Journal of Economic Literature, June, 1979.
37. (With G.V. Jump) The Influence of the Anti-Inflation Program on Aggregate Wages and Prices: A Simulation Analysis, Anti-Inflation Board, Ottawa, 1979.
38. (With J.R.S. Prichard and W.S. Stanbury, co-editors) Canadian Competition Policy: Essays in Law and Economics, Butterworths, Toronto, 1979.
39. (With G.L. Reuber) "The Merger Provisions: An Evaluation," in Prichard, Stanbury, and Wilson, op. cit., pp. 255-267.
40. "Energy Policy: Overview and Macroeconomic Implications," in Energy Policies for the 1980's, Ontario Economic Council, Toronto, 1980, Vol. 1, pp. 1-13.
41. (With W.S. Comanor) "On the Economics of Advertising: A Reply to Bloch and Simon," Journal of Economic Literature, September 1980, pp. 1075-78.
42. "Macroeconomic Trends and International Trade: General Overview," in Developments Abroad and the Domestic Economy, Vol. 1, Ontario Economic Council, Toronto, 1980.
43. "Comment" on "The Scope for Short-Run Fiscal Stabilization Policy Within Confederation" (D.A.L. Auld) in R.M. Bird (ed.), Fiscal Dimensions of Canadian Federalism, Canadian Tax Foundation, 1980, pp. 112-117.
44. "Forecasting vs. Policy Analysis and the Art of Economic Forecasting: Some Observations," Economic Policy Review, vol. 3, No. 2, pp. 13-30, Institute for Policy Analysis, University of Toronto, 1981.

45. (With G.V. Jump) "Inflation and the Taxation of Personal Investment Income: An Appraisal," in D.W. Conklin (ed.), Inflation and the Taxation of Personal Investment Income, Ontario Economic Council, 1982, pp. 71-106.
46. (With D.P. Dungan) Potential GNP: Performance and Prospects, Institute for Policy Analysis, Report No. 10, 1982.
47. "Medium-Term Fiscal Planning for Recovery" (with D.P. Dungan), Canadian Public Policy/Analyse de Politiques, Vol. IX, No.3 (Sept. 1983), pp. 390-97.
48. "Deficits and the Economy to 1990: Projections and Alternatives (with D.P. Dungan) in Ontario Economic Council, Deficits: How Big and How Bad?, Toronto, Ontario, 1983, pp. 116-148.
49. "Comment" (pp. 60-64) and "Wrap-up Discussion" (pp. 200-203) in D.D. Purvis, (ed.), Declining Productivity and Growth, Kingston, Queen's University, John Deutsch Institute for the Study of Economic Policy, July 1984.
50. "Stabilization Policy Issues: An Appraisal of Possible Roles of Flexible Fiscal Policies in Ontario," in D.W. Conklin (ed.), A Separate Personal Income Tax for Ontario: Background Studies, Toronto, Ontario Economic Council, 1984.
51. "Otto Eckstein: Applied Economist Par Excellence," Review of Economics and Statistics, November 1984.
52. "Altering the Fiscal Policy Mix: Credible Policies to Reduce the Federal Deficit" (with Peter Dungan), Canadian Tax Journal, 33, No. 2 March/April 1985, pp. 309-19.
53. "The Fiscal Stance and the Economic Outlook: The Short-term Impact, in D.D. Purvis, (ed.), Report of the Policy Forum on the May 1985 Federal Budget, Kingston, John Deutsch Institute for the Study of Economic Policy, July, 1985, pp. 1-5.
54. "The 1985 Federal Budget: Macroeconomic and Fiscal Effects" (with M.E. MacGregor) Canadian Public Policy/Analyse de Politiques, Vol. XI, No. 3, (Sept. 1985) pp. 602-616.
55. "Lessons of the Recession," Presidential Address delivered to the 1985 meetings of the Canadian Economics Association, Canadian Journal of Economics, XVIII, No. 4, November 1985, pp. 693-722.
56. "Savings in Canada: Retrospective and Prospective" (with G.V. Jump) in John Sargent, (ed.), Economic Growth: Prospects and Determinants, Toronto, University of Toronto Press, 1986, pp. 129-91.
57. "Impact of Public Sector Wage Controls on Budget Deficits and Inflation" (with D.P. Dungan), in D.W. Conklin, T.J. Courchene, and W. Jones, (Eds.), Public Sector

- Compensation, Toronto, Ontario Economic Council Conference Volume, 1985, pp. 193-232.
58. "Macroeconomic Effects of the Budget" (with M.E. MacGregor), in M.F.J. Prachowny (ed) Policy Forum on the February 1986 Federal Budget, Kingston, John Deutsch Institute for the Study of Economic Policy, April 1985, pp. 46-60.
 59. "The Macroeconomic Effects of the 1986 Budget" (with M.E. MacGregor), Canadian Tax Journal, 34, No.2, May-June 1986, pp. 563-587.
 60. "The Corporate Income Tax Proposals: Reform or Retrogression" in Jack M. Mintz and Douglas D. Purvis (Eds.) Report of the Policy Forum on the Corporate Income Tax System, Kingston, John Deutsch Institute, November 1985, pp. 15-30 (Publication released early in 1987).
 61. "Modelling Anticipated and Temporary Fiscal Policy Shocks in a Macro-Econometric Model of Canada" (with D.P. Dungan). Canadian Journal of Economics, February 1988.
 62. "Macroeconomic Effects of Tax Reform in Canada" (with Peter Dungan) Canadian Tax Journal, January/February 1988.
 63. "Canada and the Pacific Rim: Trade and Growth Prospects: (with Jack Carr, and Gregory Jump, in Bernard T.K. Joei, Canada in the Evolving Pacific Community Taipei, Tamkang University, 1988, pp. 197-262.
 64. Co-editor (with L. Waverman) of a special issue of Canadian Public Policy - Analyse de Politiques on Macroeconomic Co-ordination and the Summit XV Supplement, February 1989 pp. 99.
 65. "Introduction: Is the Process the Message?" (with L. Waverman) Ibid, pp. S1-S9.
 66. "International Co-ordination of Macroeconomic Policies: A Review" (with M. Devereux, Ibid, pp. S20-S34.
 67. "Canada's Economic Prospects Over the Medium Term", in K. Lorne Brownsey (Ed) Canada-Japan: Policy Issues for the Future, Halifax, Institute for Research on Public Policy 1989, pp. 85-120.
 68. "The Proposed Federal Goods and Services Tax: Its Economic Effects Under Alternative Labour Market and Monetary Policy Conditions" (with Peter Dungan) Canadian Tax Journal, March-April, 1989, pp. 341-367.
 69. "Predictions of the Macroeconomic Effects of the Budget from the FOCUS Model", (with Peter Dungan), in Martin F.J. Prachowny (ed.), Policy Forum on the February 1990 Federal Budget, Queen's University, John Deutsch Institute for the Study of Economic Policy, April 1990, pp. 21-43.

70. "Cold Houses and Warm Climates Revisited: On Keeping Warm in Chicago, or Paradox Lost", (with D.N. Dewees), Journal of Political Economy, 98(3), June 1990, pp. 656-63.
71. "Alternatives to the Goods and Services Tax", (with P. Dungan and J. Mintz), Canadian Tax Journal, Vol. 38, No. 3 (1990) pp. 644-666
72. "Symposium - The Canada-U.S. FTA: Economic Modeling of the Canada-U.S. Free Trade Agreement: Introduction " (with D.P. Dungan and R.G. Harris) Journal of Policy Modeling 13 (3) pp. 417-19 (1991).
73. "The Canada-U.S. FTA: Macroeconomic Effects and Sensitivity Analysis" (with D.P. Dungan), Journal of Policy Modeling, 13 (3) pp. 435-457 (1991).
74. "A Note on the Macroeconomic Implications of the 1991 Federal Budget" (with D.P. Dungan), in M.F.J. Prachowny and D.D. Purvis (Eds.) The February 1991 Federal Budget, Queen's University, John Deutsch Institute for the Study of Economic Policy, April 1991 pp. 1-14.
75. "The Allocation of Tax Authority in the Canadian Federation" (with Jack Mintz) in R.W. Boadway, T.J. Courchene and D.D. Purvis (Eds.) Economic Dimensions of Constitutional Change, Vol 1, John Deutsch Institute for the study of Economic Policy, Kingston (1991) pp 169-188.
76. "Reflections on Canada-U.S. Tax Differences" John Shoven and John Whalley, Eds. Canada-U.S. Tax Comparisons, N.B.E.R. University of Chicago Press, 1992, pp 365-374.
77. "Analysis of the Macroeconomic Effects of the 1992 Federal Budget" (with Peter Dungan and Steve Murphy) in T.J. Courchene and M.F.J. Prachowny (Eds) The February 1992 Federal Budget, Queen's University, John Deutsch Institute for the Study of Economic Policy, 1992, pp. 1-11.
78. "An Analysis of the Profitability of Businesses of Diversified Companies", Review of Industrial Organization, Vol 7, 1992, pp 151-185.
79. "Productivity and Growth: Canada's Competitive Roots" (with M. Denny), in T.J. Courchene and D.D. Purvis, Eds, Productivity, Growth and Canada's International Competitiveness, Bell Canada Papers on Economic Policy, Vol. 1, 1993, pp 7-57.
80. Fiscal Policy in Canada: An Appraisal (with Peter Dungan), Canadian Tax Foundation, Toronto, 1993; pp. 224.
81. "Alternatives to the Goods and Services Tax", (with Jack Mintz) Policy Options, Vol 14, No. 8, pp. 40-43 (1993).
82. "Sales Tax Harmonization: The Key to Simplification", (with Jack Mintz and Pierre Pascal Gendron) Tax Notes International, 8(10) Mar 7, 1994 pp 661-678.

83. Public Debt and the Macro-Economy (with D. P. Dungan). A report for the Government and Competitiveness Project (94-02) School of Policy Studies, Queen's University, 1994, pp. 179.
84. "The Sources of the Recession in Canada: 1989-1992", (with P. Dungan and S. Murphy). Canadian Business Economics 2(2), 1994, pp. 3-15.
85. "Tax System of Canada" (with R. M. Bird and D. B. Perry), Tax Notes International, Jan 9, 1995 pp. 152-180 (Invited paper).
86. "Options for the Goods and Services Tax" (with Jack Mintz) Canadian Business Economics, 3(1), 1995, pp. 27-36.
87. The Future of Telecommunications Policy in Canada (co-edited with S. Globerman and W. T. Stanbury), Bureau of Applied Research Faculty of Commerce, University of British Columbia and Institute for Policy Analysis, University of Toronto, 1995, pp 521.
88. "Realization and Revenue Effects of Lifetime Capital Gains Exemptions" (with J. Mintz) Canadian Public Policy/Analyse de Politiques XXI: Suppl: 174-192, 1995.
89. The 1995 Federal Budget: Retrospect and Prospect, (co-edited with Thomas Courchene) Policy Forum Series 33, John Deutsch Institute for the Study of Economic Policy, Queen's University and Institute for Policy Analysis, University of Toronto, 1995, pp. 205.
90. "Economic and Fiscal Effects of the 1995 Federal Budget: A Quantitative Appraisal", (with P. Dungan) Ibid, pp 23-41.
91. Implications of the North-American Free Trade for Canada-Taiwan Trade and Investment Flows" (with Hung-Yi Li and Peter Pauly). In C. W. Kenneth Keng, Bih-jaw Lin, Thomas A. Wilson and Roger N. Wolff (eds.) Canada and Taiwan (ROC): Evolving Transpacific Relations, University of Toronto, Faculty of Management, 1996, pp 41-53.
92. "Competencia Regulada en las Telecomunicaciones: La Experiencia Canadiense", in Adolfo Castilla (ed.) Regulacion y Economia de los Telecomunicaciones, Conference Vournne, May-June 1996, Madrid, Spain (Fundación Airtel Móvil).
93. "The Taxing Question of Savings: Should Retirement Savings be Taxed?", (with J. Mintz) Choices "Public Finance" Institute for Research on Public Policy, Vol 2, No. 5 (June 1996) pp. 16.
94. "VAT Harmonization in Canada, Recent Developments and the Need for Flexibility" (with Pierre-Pascal Gendron and Jack Mintz) International VAT Monitor 7(6) Nov/Dev 1996, pp. 332-342.

95. "Universities in Higher Education: Comment", in T. J. Courchene (ed.) Policy Framework for a Knowledge Economy (Bell Canada Papers on Economic and Public Policy vol 4, Queen's University, 1996, pp. 109-113.
96. "Private Provision of Retirement Income: Tax Policy Issues", (with J. Mintz) in K. Banting and R. Boadway (eds) Reform of the Retirement Income System, Queen's University, School of Policy Studies, 1997, pp. 209-240.
97. "The Sensitivity of the Corporate Income Tax to the Statutory Rate" (with D. P. Dungan and S. Murphy) Technical Committee on Business Taxation Working Paper 97-1 (1997) pp. 52.
98. The 1997 Federal Budget: Retrospect and Prospect, (co-editor with T. J. Courchene) Kingston, John Deutsch Institute, Queen's University, Policy Forum Series 35 (1997) pp. 277.
99. "The 1997 Federal Budget: A Quantitative Assessment" (with D. P. Dungan and S. Murphy) in T. A. Wilson and T. J. Courchene op. cit., pp. 67-81.
100. "Tax Exempts and Corporate Capital Structure: An Empirical Analysis" (with S. Murphy) Technical Committee on Business Taxation Working Paper 97-5 (1998).
101. "Tax Exempts and Corporate Capital Structure: An Analysis of Efficiency and Revenue Implications" (with M. Smart and J. Pesando) Technical Committee on Business Taxation Working Paper 97-10 (1998).
102. "The Proposed Seniors Benefit: An Evaluation", Canadian Tax Foundation, 1997 Conference Report, pp 26:1-26:26.
103. Fiscal Targets and Economic Growth (co-editor with T. Courchene), Kingston, John Deutsch Institute, Queen's University, 1998, pp. 404.
104. "Canada" (with R. Bird and D. Perry) in The Tax System in Industrialized Countries, Ken Messere (ed.), Oxford University Press, 1998, pp 39-92.
105. "What Room for Tax Cuts?" (With Peter Dungan and Steve Murphy), Policy Options, December 1998, pp 7-12.
106. The Electronic Village: Policy Issues of the Information Economy (co-editor with Dale Orr), Toronto: C.D. Howe Institute, 1999, pp. 296.
107. "The Legacy of the Carter Commission" (with Richard Bird) in Rationality in Public Policy: Retrospect and Prospect, (Bird, Trebilcock and Wilson (eds.)) pp. 43-60.

108. Rationality in Public Policy: Retrospect and Prospect (A Tribute to Douglas G. Hartle), (Bird, Trebilcock and Wilson (eds.)) Canadian Tax Paper No. 104, Canadian Tax Foundation Conference Volume, 1999, pp. 282.
109. "On Tax-Transfer Integration: Let Us Return to the Ability-To-Pay Principle," Canadian Tax Journal, 47(5), 1999, pp. 1258-62.
110. "Capitalizing on Cuts to Capital Gains Taxes" (with Jack Mintz) C. D. Howe Institute, Commentary, No 137, Feb 2000 pp 27.
111. "Corporations and Taxation: A Largely Private Matter?" (with Robert D. Brown and Jack M. Mintz) in R. Morck (ed.) Concentrated Corporate Ownership, NBER. University of Chicago Press, 2000, pp. 105-134.
112. "What is the Room for Tax Cuts? An Analysis of the Potential Fiscal Dividend and its Allocation" (with Peter Dungan and Steve Murphy), Canadian Tax Journal, 48(1), 2000, pp. 124-132.
113. The 2000 Federal Budget: Retrospect and Prospect, (co-edited with Paul A. R. Hobson) Policy Forum Series 37, John Deutsch Institute, Queen's University, and Institute for Policy Analysis, University of Toronto, 2001. pp. 204
114. "Macroeconomic Effects of Budget 2000" (with Peter Dungan and Steve Murphy) in Hobson and Wilson, op cit., pp. 53-70.
115. "Taxes, Efficiency and Economic Growth" (with Jack M. Mintz) in Patrick Grady and Andrew Sharpe (eds.) The State of Economics in Canada, John Deutsch Institute for the Study of Economic Policy and Centre for Living Standards, McGill-Queen's University Press, Montreal-Kingston, 2001, pp. 95-133.
116. "The Canadian Economic Outlook" in The Economic Outlook for 2002, University of Michigan, Research Seminar in Quantitative Economics, Nov. 15-16, 2001.
117. "Productivity in the New Economy: Review of Recent Literature" (with D. Peter Dungan) in Someshwar Rao and Andrew Sharpe Eds., Productivity Issues in Canada, University of Calgary Press, 2002, pp. 597-623.
118. "Saving the Future: Restoring Fairness to the Taxation of Savings". (with Jack M Mintz), C. D. Howe Institute, Commentary No. 176, Nov 2002 pp. 16.
119. "An Evaluation of Business Taxes in Canada", in Herbert G. Grubel (Ed.) Tax Reform in Canada: Our Path to Greater Prosperity, Vancouver, The Fraser Institute, 2003, pp. 111-138.

120. The 2003 Federal Budget: Conflicting Tensions (co-editor with Charles H Beach) McGill-Queen's University Press for John Deutsch Institute for the Study of Economic Policy, Queen's University, 2004 pp. 277.
121. "The 2003 Federal Budget: A Quantitative Appraisal" with Peter Dungan and Steve Murphy) in C. M. Beach and T. A. Wilson (Eds.) The 2003 Federal Budget: Conflicting Tensions, 2004, pp. 51-64
122. "A Tax Strategy for Ontario" (with Richard Bird), Panel on the Role of Government, Ontario, Research Paper RP(32), 2004.
123. "Assessing Expenditures and Tax Reform Measures: A Review." (with Jack Mintz) Panel on the Role of Government, Ontario, Research Paper RP(50), 2004.
124. "The Economics of Advertising and Steiner's Dual Stage Model" (with William Comanor) International Journal of the Economics of Business, Vol 13, No. 1,(Feb. 2006) pp 39-44.
125. "Removing the Shackles: Deferring Capital Gains Taxes on Asset Rollovers" (with Jack M. Mintz) D Howe Institute, Backgrounder No. 94, April 2006. pp 116
126. "Coordinating Federal and Provincial Sales Taxes: Lessons from the Canadian Experience", (with Richard M. Bird and Jack M. Mintz) National Tax Journal, Vol. LIX, No 4 (Dec. 2006) pp 889-903.
127. "The 2006 Federal Budget: A Quantitative Appraisal" (with Peter Dungan and Steve Murphy) in Charles M Beach, Michael Smart, and Thomas A. Wilson, The Federal Budget: Rethinking Fiscal Priorities, Queen's University, John Deutsch Institute, 2007, pp 45-54.
128. The 2006 Federal Budget: Rethinking Priorities Queen's University, John Deutsch Institute, 2007, pp218 (Co-editor with Charles M. Beach and Michael Smart)
129. "Encouraging Small and Medium sized Firms to Participate in Pension Plans" Report Prepared for Advocis (The Financial Advisors Association of Canada), Sept. 2009. pp. 43(with Morley Gunderson)
130. Review of Jack M Mintz Summary Report on Retirement Income Adequacy Research, Ottawa, Department of Finance Dec. 18, 2009, and Steering Committee of Provincial/Territorial Ministers on Pension Coverage and Retirement Income Adequacy, Options for Increasing Pension Coverage Among Private Sector Workers in Canada (January 2010) Canadian Tax Journal, 2010, Vol. 58 No 2 pp459-461
131. "Taxation of Income From Property and Capital Gains", in Heather Kerr, Ken McKenzie and Jack Mintz (Eds.), Tax Policy in Canada, Toronto, Canadian Tax Foundation, 2012, pp 6:1-6:36 (with K. A. Siobhan Monaghan)

132. "Reform Proposals for Replenishing Retirement Savings", (with Jack M. Mintz) University of Calgary, SPP Research Papers , Vol. 6, Issue 9, Feb. 2013, pp16

133. "Net Fiscal Costs of Federal Funding of Ducks Unlimited Canada", a Report prepared for Ducks Unlimited Canada, Sept. 2013 pp 13.

134. "Retirement Savings Under the Personal Income Tax: Problems and Opportunities" (with Steve Murphy), a paper presented at the Conference on Reform of the Personal Income Tax in Canada, Calgary, School of Public Policy, April 15 2015. (Forthcoming in Reform of the Personal Income Tax in Canada, (Bev Dahlby ED.) Toronto, Canadian Tax Foundation 2016, pp 79 - 96.

135. "The Corporate Income Tax in Canada: Does its Past Foretell its Future?" (with Richard M. Bird), a paper presented at the Conference on "Reforming the Corporate Income Tax in a Changing World: A Conference on the 20th Anniversary of the Report of the Technical Committee on Business Taxation", Toronto, June 15 2016. School of Public Policy (University of Calgary) Research Paper. (Forthcoming)

Unpublished Work and Working Papers

1. The Inflationary Process in the Machinery Sector (Ph.D. Thesis, Harvard University, 1961).
2. "Implications of the Carter Corporate Reforms for Corporate Savings Behaviour," Institute for Policy Analysis, University of Toronto, Working Paper No. 6803.
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7. "National Projection Through 2001: Base Scenario and Short-term Alternatives" (with Peter Dungan and David Fujimagari) PEAP Policy Study No. 87-3, December 1987.
8. "The Macroeconomic Effects of the Canada-U.S. Free Trade Agreement" (with Peter Dungan) International Economics Program, Department of Economics, DP 88-18, November, 1988.

9. "The Impact of U.S. Policy Shocks on the Canadian Economy - An Analysis with the FOCUS Model" (with J. Nightingale and P. Dungan) International Economics Program, Department of Economics, DP 88-17, October, 1988.
10. "National Projection Through 2013" (with P. Dungan and D. Fujimagari) Policy and Economic Analysis Program, Institute for Policy Analysis, Policy Study No. 89-1, January, 1989.
11. "The Macro-Economic Effects of the Proposed Federal Goods and Services Tax", (with Peter Dungan), Policy and Economic Analysis Program, Institute for Policy Analysis, Policy Study #89-9, September, 1989.
12. "National Projection Through 2013", (with Peter Dungan), Policy and Economic Analysis Program, Institute for Policy Analysis, Policy Study #90-1, January, 1990.
13. "Regulated Competition in Telecommunications", Part 10 of Evidence filed with Unitel Communications Inc.'s Application to Provide Long Distance Service, August 1990.
14. "Price Impacts of the GST: Detailed Estimates >From the Input-Output System", (with Peter Dungan), Policy and Economic Analysis Program, Institute for Policy Analysis, Policy Study #91-2, March, 1991.
15. "National Projections Through 2015", (with Peter Dungan and Steve Murphy), Policy and Economic Analysis Program, Institute for Policy Analysis, Policy Study #91-3, April, 1991.
16. "Macroeconomic Effects of Introducing Competition in the Public Long Distance Telecommunications Market", (with Peter Dungan), Policy and Economic Analysis Program, Institute for Policy Analysis, Policy Study #92-2, June, 1992.
17. "National Projections Through 2015", (with Peter Dungan and Steve Murphy), Policy and Economic Analysis Program, Institute for Policy Analysis, Policy Study #92-3, August, 1992.
18. "Outlook for the Canadian Economy: National Projection Through 2015", (with Peter Dungan and Steve Murphy) Policy and Economic Analysis Program, Institute for Policy Analysis, Policy Study #93-1, January, 1993.
19. "Sources of the Recession in Canada: 1989-1992", (with Peter Dungan and Stephen Murphy) Policy and Economic Analysis Program, Institute for Policy Analysis, Policy Study #93-2, May, 1993.
20. "Sources of the Recession in Canada and Ontario: An Analysis of the Aggregate and Sectoral Levels" (with Peter Dungan and Steve Murphy) Policy and Economic Analysis Program, Institute for Policy Analysis, Policy Study #93-5, November, 1993.

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22. "Outlook for the Canadian Economy: National Projection Through 2015" (with P. Dungan and S. Murphy). Policy and Economic Analysis Program, Study 94-1 (Jan 1994).
23. "Outlook for the Canadian Economy: National Projection Through 2015" (with P. Dungan and S. Murphy) Policy and Economic Analysis Program, Policy Study 94-4 (Aug 1994)
24. "Prices, Wages, Productivity and the Output Gap" (with P. Dungan) Policy and Economic Analysis Program, Policy Study 94-7 (Oct 1994).
25. "Outlook for the Canadian Economy: National Projection Through 2015" (with P. Dungan and S. Murphy) Policy and Economic Analysis Program, Policy Study 95-1 (Jan 1995).
26. "Outlook for the Canadian Economy: National Projection Through 2015" (with P. Dungan and S. Murphy) Policy and Economic Analysis Program, Policy Study 96-1 (Jan 1996).
27. "Fiscal Policy in Ontario" (with P. Dungan and S. Murphy) Policy and Economic Analysis Program, Policy Study 96-2 (May 1996).
28. "Outlook for the Canadian Economy: National Projection Through 2020" (with P. Dungan and S. Murphy) Policy and Economic Analysis Program, Policy Study 96-3 (July 1996).
29. "Outlook for the Canadian Economy: National Projection Through 2020" (with P. Dungan and S. Murphy) Policy and Economic Analysis Program, Policy Study 97-1 (Jan 1997).
30. "The 1997 Federal Budget" (with S. Murphy) Policy and Economy Analysis Program, University of Toronto, PEAP Memo 97-1 (Feb 1997).
31. "Outlook for the Canadian Economy: National Projection Through 2020" (with P. Dungan and S. Murphy) Policy and Economic Analysis Program, Policy Study 97-2 (July 1997).
32. "2½ Cheers for the Bank of Canada (with P. Dungan and S. Murphy) Policy and Economy Analysis Program, University of Toronto, PEAP Memo 97-10 (Dec 1997).

47. "The October Federal Economic Statement and Budget Update", (with P. Dungan and S. Murphy) Policy and Economic Analysis Program, Policy Memo 2000-9 (Oct 2000).
48. "Outlook for the Canadian Economy: National Projection Through 2020" (with P. Dungan and S. Murphy) Policy and Economic Analysis Program, Policy Study 2001-1 (January 2001).
49. "Long Term Outlook for the Canadian Economy: National Projection Through 2025" (with P. Dungan and S. Murphy) Policy and Economic Analysis Program, Policy Study 2002-1 (March 2002).
50. Semi-Annual reports on the Canadian Economic outlook for Project LINK (with Peter Dungan and Steve Murphy)

Consulting and Contract Research Experience

Fields:

Economic Forecasting, Fiscal Policy Analysis, Wage-Price Models, Regulatory Proceedings, Competition Policy, Advertising, and Industrial Organization.

Federal Government Agencies:

Royal Commission on Taxation, Dept. of Industry, Dept. of Justice, Prices and Incomes Commission, Dept of Consumer and Corporate Affairs, Anti-Inflation Board, Economic Council of Canada, Dept. of Finance, Royal Commission on the Economic Union and Development Prospects for Canada, Director of Investigation and Research, Canada Revenue Agency.

Other Government Agencies:

Alberta Government, Metro Toronto, Ontario Economic Council, U.S. Treasury, U.S. Bureau of the Census, U.S. Commission on Money and Credit, U.S. Congress Joint Economic Committee.

Private Firms and Non-Profit Institutions:

ARA Consultants, Association of Canadian Distillers, CNCP Telecommunications, Unitel Communications, and AT&T Canada, C.D. Howe Research Institute, Canadian Cable Systems Ltd., Canadian Real Estate Association, Canadian Daily Newspaper Association, Canadian Tax Foundation, Central Ontario Coalition, Data Resources Inc., Institute for Research on Public Policy, Harvard Institute for International Development, John Labatt Ltd., London and St. Thomas Real Estate Board, National Bureau of Economic Research, Ontario Home Builders Association, Social Science Federation of Canada, Powerdirect TV, Telesat Canada, The Stanton Group, Parlee McLaws, Towers Perrin, Union Gas, Canadian Real Estate Association, Esso, Samson Cree Nation, Ducks Unlimited Canada, School of Public Policy (University of Calgary)

Qualifications as an Expert Witness:

I have been qualified as an expert economics witness before the Canadian Radio-Television and Telecommunications Commission, the Ontario Joint Board (Ontario Municipal Board and

Environmental Board), the Competition Tribunal, the Ontario Energy Board and the Federal Court of Canada (Trial Division). I have submitted opinions to the Ontario Superior Court with respect to settlements reached in three separate price fixing actions.

CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and
ASSEMBLY OF FIRST NATIONS

Complainants

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

ATTORNEY GENERAL OF CANADA
(Representing the Minister of Indigenous and Northern Affairs Canada)

Respondent

- and -

CHIEFS OF ONTARIO,
AMNESTY INTERNATIONAL CANADA and
NISHNAWBE ASKI NATION

Interested Parties

**NOTICE OF MOTION OF THE COMPLAINANT
FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA**

AFFIDAVIT #2 OF CINDY BLACKSTOCK

I, Cindy Blackstock, of the City of Ottawa in the Province of Ontario, make oath and say
as follows:

1. I am the Executive Director of the First Nations Child and Family Caring Society
("Caring Society"), one of the complainants in the human rights complaint related to

Canada's racial discrimination against nearly 165,000 First Nations children for its inequitable funding for child welfare services and its failure to fully implement Jordan's Principle. As such, I have knowledge of the matters herein deposed, except where stated that the matter is based on information and belief, and where so stated I believe the same to be true.

2. In addition to my position as the Executive Director of the Caring Society, I am also a Professor at McGill University School of Social Work.
3. I affirm this affidavit in support of the Caring Society's motion for non-compliance, seeking declaratory and immediate relief for First Nations children living on reserve and in the Yukon.
4. On December 19, 2016, I attended a meeting with INAC representatives and BC FNCFS agency Directors held in Vancouver. During the meeting, I obtained a spreadsheet entitled "Allocation of HRT Immediate Relief Methodology for 2016-2017" dated May 12, 2016. To my knowledge, this document has not been disclosed by INAC to the Tribunal or the parties in this matter. The numbers in the spreadsheet do not correspond with those presented in INAC's September 30, 2016 compliance report to the Tribunal which provides the costing analysis for BC. Attached as **Exhibit A** to this affidavit is a copy of this spreadsheet.
5. I make this affidavit in good faith and for no other or improper purpose.

AFFIRMED BEFORE ME)
at Prince George, British Columbia on)
December 20, 2016)
)
)
)
)
A Commissioner for taking affidavits, etc.)

CINDY BLACKSTOCK

**EXHIBIT "A" TO AFFIDAVIT #2 OF
CINDY BLACKSTOCK, AFFIRMED
BEFORE ME IN THE CITY OF
PRINCE GEORGE
ON DECEMBER 20, 2016**

Allocation of HRT Immediate Relief Methodology for 2016-2017

Recommendation: May 12, 2016

	2015-2016 Year 1 Ops Funding (Basic + Other)	2016-2017 Total Ops Funding (Basic + Other)	2016-2017 HRT Immediate Remedies Allocation (Includes Transitions)	2016-2017 HRT New Ops Allocation (B + C)
	\$284,846	\$280,001	\$70,000	\$350,001
	\$658,237	\$660,690	\$165,163	\$825,853
	\$356,766	\$362,853	\$90,638	\$453,491
	\$313,788	\$323,831	\$80,958	\$404,790
C4 - Was Men Men	\$986,289	\$580,830	\$469,229	\$1,250,739
C4 - Mezel Re Huayma	\$364,352	\$374,005	\$425,374	\$799,379
C4 - Cairner Sekant	\$1,393,822	\$972,567	\$685,761	\$1,662,328
C4 - NW/TUO	\$966,276	\$950,618	\$345,909	\$1,297,527
C4 - Northwest Inter-Nation	\$1,021,046	\$812,232	\$281,138	\$1,093,370
C4 - Gitksan	\$737,384	\$824,131	\$742,534	\$1,566,665
C6 - Cowichan/Lalum/Uhul	\$1,317,685	\$1,025,551	\$738,085	\$1,812,150
C6 - Usma Nuu'Chah Muth	\$1,589,950	\$1,074,065	\$772,166	\$1,511,040
C6 - Secwepemc	\$918,949	\$738,874	\$261,922	\$615,903
C6 - Ktunaxa Kmbasket	\$247,191	\$253,981	\$880,427	\$1,515,806
C6 - Fraser Valley Aboriginal Society	\$1,467,014	\$935,379	\$688,499	\$1,826,492
C6 - Kwumut' Lelum	\$1,059,987	\$1,137,993	\$385,804	\$767,182
C6 - Nlha'7Knpmx	\$622,337	\$381,378	\$408,890	\$779,489
C6 - Knucwewwew	\$499,894	\$370,595	\$520,723	\$924,798
C6 - Secw'emx	\$325,839	\$404,075	\$383,697	\$472,504
Bylaw / Splatsin Staments	\$330,271	\$88,807		
Total	\$11,641,923	\$12,542,119	\$8,409,409	\$21,301,357

FNCFS Post-Budget 2016 Regional Funding Profile

Year 2 (2016-2017) @ 40%	Year 2 (2017-2018) @ 60%	Year 3 (2018-2019) @ 80%	Year 4 (2019-2020) @ 100%	Year 5 (2020-2021) @ 100%
\$5,290,010	\$8,085,015	\$10,780,020	\$13,475,025	\$13,475,025

Note: The existing \$3.36M currently identified as Transition Funding will be provided each year in addition to the new FNCFS funding allocation.

CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and
ASSEMBLY OF FIRST NATIONS**

Complainants

-and-

CANADIAN HUMAN RIGHTS COMMISSION

Commission

-and-

**ATTORNEY GENERAL OF CANADA
(representing the Minister of Indigenous and Northern Affairs Canada)**

Respondent

-and-

**CHIEFS OF ONTARIO and
AMNESTY INTERNATIONAL CANADA**

Interested Parties

AFFIDAVIT OF CHARLENE REUBEN

**I, CHARLENE REUBEN, of the Municipality of MOOSONEE in the Province of
Ontario, MAKE OATH AND SAY:**

1. I am the Executive Director of Payukotayno James and Hudson Bay Family Services ("Payukotayno") and as such, have knowledge of the facts herein deposed by me.

2. I have held the position of Executive Director of Payukotayno since July of 2011. I began working for Payukotayno in 2001, first as a child protection worker—a position I held for five years. I then served as a Supervisor from 2005 until 2007. In, 2007, I became the Director of Services, a position I held until 2011 when I assumed the position of Executive Director.
3. As Executive Director of Payukotayno, I have direct, subject-matter expertise concerning the unique challenges of delivering child and family services to remote communities in Northern Ontario. My role as Executive Director of Payukotayno involves extensive communications with Nishnawbe Aski Nation (“NAN”) First Nation communities and government stakeholders on a variety of issues concerning child and family services. I am seeking to bring this expertise before the Canadian Human Rights Tribunal (the “Tribunal”) to ensure that any remedies ordered by the Tribunal are designed with the unique considerations of agencies engaged in child welfare service delivery to remote communities in Northern Ontario.
4. My affidavit will provide: (1) an overview of the NAN-mandated child welfare agencies, providing background information on Payukotayno in particular; (2) an overview of the unique challenges of service delivery to northern and remote communities in Northern Ontario; and, (3) a review of two *immediate relief* measures which would greatly assist Payukotayno in particular and NAN-mandated child welfare agencies in general with addressing *some* of the challenges with service delivery to northern and remote communities, specifically (i) agency debt relief and, (ii) a capital infrastructure needs assessment study.

I. ABOUT PAYUKOTAYNO & NAN MANDATED CHILD WELFARE AGENCIES

5. As the Tribunal is likely aware, there are three NAN mandated child welfare agencies: (1) Kunuwanimano Child and Family Services (“Kunuwanimano”); (2) Payukotayno; and, (3)

Tikinagan Child and Family Services ("Tikinagan"). Kunuwanimano, Payukotayno and Tikinagan are three of nine Indigenous child welfare societies providing services in Ontario under the Child and Family Services Act ("CFSA").¹ Kunuwanimano, Payukotayno and Tikinagan are designated under the CFSA and have all of the responsibilities of any Children's Aid Society in Ontario.

6. Payukotayno, located in Moose Factory, serves five First Nations and one municipality in the eastern portion of NAN territory, along the Hudson and James Bay coasts, including Kashechewan First Nation and Attawapiskat First Nation, among others. Four of these First Nations communities are accessible by air only.
7. Payukotayno was designated in April 1987 and is a multi-service child welfare agency.
8. Currently, Payukotayno is responsible for 132 children in care. Payukotayno has 88 staff and a number of vacant staff positions.

II. CHALLENGES OF SERVICE DELIVERY TO NORTHERN, REMOTE COMMUNITIES

¹ *Child and Family Services Act*, R.S.O. 1990, c. C.11

9. There are many reasons why it is challenging to deliver much needed child and family services to remote and northern communities; however, the most significant factor is the large geographic area and the isolation of the communities that Payukotayno serves.

10. In a previous affidavit filed in these proceedings, NAN's Director of Social Services, Bobby Narcisse² outlined a non-exhaustive list of the types of factors which exacerbate the challenges of service delivery to remote and northern communities. I adopt and reproduce paragraph 35 from Mr. Narcisse's March 18, 2016 affidavit³, outlining these factors, as follows:

- **Transportation** is a major challenge in the North. Accessing remote and isolated communities is a time consuming and expensive exercise. Many NAN communities do not have year round road access. Ice roads provide access in the winter months, requiring lengthy travel times. During the rest of the year, air travel is the only option;
- **Staff recruitment and retention** is also challenging in the North, particularly with developing and keeping qualified staff in communities. Communities are isolated and the population is dispersed amongst a large land mass. There is a stigma against child and family service workers which is a by-product of the legacy of the "Sixties Scoop" and the association of child and family services with the removal of children from the community. Additionally, there are challenges obtaining accreditation for

² The March 18, 2016 affidavit of Bobby Narcisse was filed in support of NAN's motion to intervene as an 'interested party'.

³ The reproduced paragraphs are paragraph 35 of Bobby Narcisse's March 18, 2016 Affidavit.

local community workers who wish to work in the field. These factors, amongst many, lead to a high turnover of staff and community professionals;

- **Access to suitable housing** is also a serious challenge in the North. The shortage of available housing makes it difficult for agencies to hire staff from outside the community. Shortage of housing also creates difficulties in finding suitable foster homes. Housing shortages create living environments where many people are forced to share one home;
- **The lack of other social services** for both children's services and other social programs is a common factor in small and remote First Nations communities. This creates an environment where child and family services are being offered without the associated necessary supports. This impacts the performance and quality of child and family services and increases the burden on agencies operating within such an environment;
- **Geographic and socio-demographic characteristics** differ greatly between First Nations communities serviced by designated Aboriginal CASs versus non-Aboriginal CASs. There are several distinct differences between these two groups — specifically, Aboriginal CASs:
 - i. serve significantly larger and less inhabited geographic areas;
 - ii. have significantly larger case volumes per population;
 - iii. serve more children and youth in-care as opposed to within family homes;and,

iv. have smaller operating budgets but with significantly higher expenditures per child/youth;

- **High cost of food** represents a significant challenge faced by families in NAN communities who are trying to feed their children healthy nutritious foods. The high cost of food is directly related to the geographic and socio-demographic characteristics of NAN communities. As a result of the high cost of food, many families are forced to rely on more affordable but calorie-rich & nutrient poor foods;
- **Health problems** afflict NAN communities to a higher degree when compared to other regions. NAN territory has one of the highest diabetes rates in the country, as well as increasing incidences of child obesity, heart disease and other chronic diseases which have been directly linked to access and consumption of non-nutritious food. Financial hardship makes coping with health problems more difficult and exacerbates existing medical conditions;
- The **high cost of heat and hydro** adds to the burdens faced by NAN communities. Many NAN communities rely on diesel fuel power generation and have been experiencing high energy bills which increases stressors on families to make ends meet;
- **Economic poverty** is particularly pronounced in Northern, remote communities as a result of the factors described above;

- **A growing suicide epidemic** has thrown several NAN First Nations into crisis. There have been more than 500 suicides across NAN First Nations from 1986 to 2016, involving more than 70 children aged 10-14 and nearly 200 youth aged 15-20; and,
 - **Funding disparities** between Indigenous and non-Indigenous child and family agencies aggravates the challenges described above.
11. In addition to the above identified factors, Payukotayno operates with limited information technology and overcrowded office facilities. Further, some communities served by Payukotayno face routine extreme weather-related events. For example, Kashechewan First Nation routinely floods, resulting in evacuations of the entire community. Payukotayno staff must use a variety of expensive transportation methods, including helicopter, in order to reach the communities we serve. In some locations, Payukotayno staff do not have access to cellphone service.
12. Each of the above identified factors adds to the *expense* of child and family service delivery in the remote north. These factors and expenses are a *necessary* part of service delivery to remote and northern communities.
13. Further, these remoteness factors are chronically underfunded or not funded at all. This forces agencies like Payukotayno to deliver services to remote and northern communities, as best as we can, within the resources and funding envelopes provided to us. Over time, this has resulted in at least two (of many) chronic conditions affecting northern and remote child welfare agencies: (1) routine budget shortfalls and accumulated debt; and, (2) neglected capital infrastructure needs. I discuss both of these chronic problems in further detail below.

III. Chronic Underfunding and Unsustainable Debt

14. In 2015/16, Payukotayno's deficit was \$1,279,537. In 2016/17, Payukotayno is anticipating a deficit of approximately \$2.2 million. Attached to my affidavit as **Exhibit A** is a copy of Payukotayno's financial information for fiscal years 2011/12 through 2015/16.
15. In the fiscal year 2011/12, Payukotayno experienced a similarly significant budgetary shortfall of nearly \$900,000. Since then, Payukotayno has focused on achieving financial efficiencies wherever possible. For example, since the beginning of my term as Executive Director in 2011, Payukotayno has gradually transitioned to a foster care model which has resulted in lowered costs. These cost efficiencies resulted in a significant surplus in fiscal year 2013/14 with modest surpluses in fiscal years 2012/13 and 2014/15.
16. These cost savings; however, are being counteracted by increased demand for our services. As Payukotayno's presence has increased in the communities we serve, there has been a correlative increase in the demand for our services. This has necessitated the hiring of more staff. As a result, Payukotayno is now providing increased service in 2015/16 than we did in fiscal year 2011/12; however, our allocated budget has remained the same.
17. Additionally, during this fiscal year alone, we had one high-needs child that resulted in significant expenditures of approximately \$1 million, which was paid for by Payukotayno, without any additional financial assistance from Ontario.
18. Payukotayno has a small line of credit. Any significant expenditures, such as high-needs children or weather related expenditures, can easily and negatively affect our budget. For example, by the end of fiscal year 2016/17, we are expecting a budget shortfall of approximately \$2.2 million. Without financial assistance, we expect that by January 2017,

Payukotayno will be a position where payment of staff salaries and foster parent per diems may not be possible. We are currently under cash-flow management which means that our budget has zero latitude for any additional expenditures.

19. In my view, Payukotayno's financial situation is a direct result of the fact that the cost of service delivery in the remote north is not properly funded. Payukotayno routinely submits deficit budgets to the Province of Ontario in an attempt to demonstrate the actual cost of service delivery in the remote north. Nevertheless, the above identified remoteness factors are not properly funded and accounted for in our allocated budgets. Without proper accounting for the high cost of service delivery in the remote north, agencies like Payukotayno will continue to have precarious finances, which will ultimately place the quality and effectiveness of our service delivery at risk.
20. A significant form of immediate relief would be for the Tribunal to issue a one-time order that Canada immediately fund the currently outstanding deficit of Payukotayno, at cost. We understand that such an order would not fix the long-term chronic underfunding faced by northern and remote agencies like Payukotayno; however, such an order would provide significant and *immediate relief* to budgetary pressures experienced by Payukotayno *at this very moment in time*. This form of immediate relief would give Payukotayno more room and flexibility to address the many pressing and complex needs of children and families using child welfare services in remote and northern communities.

IV. Capital Infrastructure Needs

21. When compared to child welfare agencies delivering services in more urban centers, Payukotayno operates out of substandard, run-down, cramped buildings and has limited access to proper facilities for both children and families as well as community staff.

22. Some of these challenges were described in a report (which is before the Tribunal as evidence) by David Barnes and Vijay Shankar, titled, *Northern Remoteness: Study and Analysis of Child Welfare Funding Model Implications on Two First Nations Agencies Tikinagan Child and Family Services and Payukotayno: James Bay and Hudson Bay Family Services* (the "Barnes Report").⁴ The Barnes Report included a review of some of the capital needs of Tikinagan and Payukotayno in particular, and provided the following devastating account:

Nothing could have prepared the consultants for the impact of what was experienced in visiting the first community. In twenty-five years of Child Welfare service, this consultant had never witnessed such appalling conditions. The physical state of the office would not have met any standards that exist in the south. Windows were broken and in some cases boarded up, offices were cramped and overcrowded. This experience was to be repeated in other communities as well. ... In many communities there are not [sp] adequate facilities to support staff who may have to spend several days before the weather clears before they can return to their home base.... it is imperative that the agencies that were studied in this review, continue to be seen as unique in dealing with the challenges they face in carrying out the child welfare mandate.⁵

23. Approximately four years ago, Payukotayno conducted a feasibility study, looking at major capital needs. Payukotayno services 16 sites, utilizing a variety of facilities, including physical buildings and more temporary structures such as trailers. The majority of our facilities are leased, with Payukotayno owning some of our major office sites.

⁴ Please refer to the *Northern Remoteness Study and Analysis of Child Welfare Funding Model Implications on Two First Nations Agencies: Tikinagan Child and Family Services and Payukotayno: James Bay and Hudson Bay Family Services*, found at Tab 219 of the Commission's materials. The report was entered into evidence on September 4, 2013 and assigned Exhibit # HR-011-219-094 and production number CHRC640. [the "Barnes Report"]

⁵ Please refer to the Barnes Report, CHRC BOD, Ex. HR-011-219-094, Tab 219, at Part I, 'Overview', pages 3-4.

24. Office overcrowding is a significant issue. Many of our office spaces were designed for one service worker. As our numbers of staff have increased, we have double-bunked our office spaces with two service workers per site. On the client service side, there are no client interview rooms in most of our communities.
25. Staff housing is another significant issue. Our office in Moosonee is our hub, with staff being sent to the various communities we serve. Most communities do not have additional infrastructure to house Payukotayno staff. For other major services, such as teachers, nurses, police officers, etc., staff housing is provided and budgeted for. This is not the case for child and family services workers. As a result, both the availability and the cost of housing staff in the community remains an ever-present problem.
26. Lack of information technology is another significant issue. Payukotayno workers in remote locations are often unable to log onto our main servers due to lack of access to reliable internet. This means that Payukotayno staff are routinely writing case notes by hand.
27. Whenever a high-needs child requires services that are unavailable in their communities, agencies like Payukotayno are forced to remove the child from their community so that they may access highly needed services. The costs of relocation and service access for high-needs children is often born by the agency, without additional financial help from the Province.
28. Addressing the many capital infrastructure needs faced by Payukotayno, and other northern and remote agencies, will require comprehensive, long-term reform; however, in the interim, we are requesting that a comprehensive capital needs assessment study be conducted as a form of immediate relief.

29. Aside from the feasibility study for major capital conducted approximately four years ago, Payukotayno has never undergone a comprehensive capital needs assessment study. With the increase in staff over the last few years, and with increased service demands, the landscape in which Payukotayno delivers child and family services has significantly changed. A capital needs assessment study is a much needed and important tool for Payukotayno, as part of identifying our current needs and planning for future capital needs. Payukotayno does not have the budget to conduct such an assessment on its own.
30. The primary objectives of a capital needs assessment study would be to: (1) itemize current infrastructure; (2) identify needed infrastructure required to fulfill child welfare mandate and the needs of remote and northern communities; and, (3) identify funding gaps related to capital infrastructure needs.
31. Completed within a reasonable timeframe, the undertaking of a comprehensive study on the capital infrastructure needs of Payukotayno is a necessary *precondition* of addressing and properly funding the capital infrastructure needs of northern and remote agencies.
32. I am aware that Canada has sent Agencies a letter of engagement, requesting agency specific information by a June 30, 2017. This letter of engagement is not a substitute for a proper, comprehensive capital needs assessment study which would be designed for the specific purpose of assessing capital infrastructure needs.
33. I make this affidavit for the purposes of NAN's submissions in anticipation of a hearing on immediate relief, currently scheduled for March 22, 23, 24, 2017 in the *First Nations Child*

and *Family Caring Society v. Canada*⁶ proceedings before the Tribunal and for no other or improper purpose.

AFFIRMED BEFORE ME this)
20th day of December, 2016)
in the Municipality of Moosonee)
in the Province of Ontario.)


A Commissioner etc.)


CHARLENE REUBEN

Marjorie Rose Etherington, a Commissioner,
etc., Province of Ontario, for the Children's
Aid Society. Expires January 15, 2019

⁶ *First Nations Child and Family Caring Society v. Canada*, 2016 CHRT 2. File No.: T1340/7008. Decision rendered January 26, 2016.

This is Exhibit A to the Affidavit of Chantel Robson sworn before me this 20th day of December 2016.
Margie Rose
 A Commissioner etc.

Margie Rose Ehrenington, a Commissioner, etc., Province of Ontario, for the Children's Aid Society. Expires January 15, 2019

Payukotayno: James and Hudson Bay Family Services

**as per Audited Financial Statements
 Exhibit B - Statement of Operations**

TOTAL REVENUE & EXPENSES

	2015-16	2014-15	2013-14	2012-13	2011-12
REVENUE					
	\$16,889,572	\$15,597,076	\$15,873,305	\$16,164,764	\$16,846,893
EXPENSES					
	\$18,169,109	\$15,547,826	\$15,023,624	\$16,158,697	\$17,732,919
VARIANCE SURPLUS / (DEFICIT)	(\$1,279,537)	\$49,250	\$849,681	\$6,067	(\$886,026)

Released under the Access to Information Act
 Communiqué en vertu de la Loi sur l'accès à l'information

CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and
ASSEMBLY OF FIRST NATIONS

Complainants

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

ATTORNEY GENERAL OF CANADA
(Representing the Minister of Indigenous and Northern Affairs Canada)

Respondent

- and -

CHIEFS OF ONTARIO,
AMNESTY INTERNATIONAL CANADA and
NISHNAWBE ASKI NATION

Interested Parties

AFFIDAVIT OF JOHN LOXLEY

I, John Loxley, of the City of Winnipeg in the Province of Manitoba, solemnly affirm and say as follows:

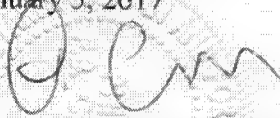
1. I hold a Doctorate in Economics and am a Professor of Economics at the University of Manitoba. I have been part of the University of Manitoba's faculty since 1977.

2. For thirteen years, I was Head of the Department of Economics at the University of Manitoba. I have also been the Research Coordinator of the University of Manitoba's Global Political Economy Program since 2002.
3. From June 2014 to May 2016, I was the Executive Director of the Premier of Manitoba's Advisory Council on Education, Poverty and Citizenship.
4. I am a Fellow of the Royal Society of Canada.
5. I received the Canadian Association of University Teachers' Distinguished Academic Award in May 2008.
6. I received the Galbraith Prize in Economics and Social Justice, awarded by the Progressive Economists' Forum, in May 2010.
7. Since 2002, I have been the Principal Investigator of three large Social Sciences and Humanities Research Council research grants, the last two of which were on the theme of Inner-City and Aboriginal Poverty.
8. I have served as an Economic Advisor to the Assembly of Manitoba Chiefs, the Assembly of First Nations, and several governments, including the Government of Manitoba, often on budgetary matters.
9. I was an Economic Advisor to the Royal Commission on Aboriginal Peoples from 1992 to 1995.
10. In 2004, I was a consultant to the First Nations Child and Family Caring Society regarding a new funding formula for First Nations child welfare agencies in Canada. In this capacity, I was a co-author of the three Wen:de reports, which were produced through this exercise.
11. I am the co-author, with Fred Wien, Cindy Blackstock, and Nico Trocme, of "Keeping First Nations Children at Home: Few Federal Policy Changes could make a big Difference", published in *First Peoples Child and Family Review* in 2007.
12. I am the co-author, with Mariana Puzyreva, of "The Costs of Implementing the Recommendations of the Truth and Reconciliation Commission on Child Welfare and

Early Childhood Education, published by the Truth and Reconciliation Commission of Canada in January 2016.

13. I provided an expert report to the Canadian Human Rights Tribunal in the context of this complaint in September 2013.
14. I have applied the knowledge and experience I have gained through the professional and academic history described above in writing my second report in the context of this complaint, which is attached to my affidavit as **Exhibit "A"**.
15. I understand that, as an expert, I have a duty to assist the Tribunal, and that I am not to be an advocate for any party. The report attached to my affidavit as **Exhibit "A"** is made in conformity with that duty.
16. I make this affidavit in good faith and for no other or improper purpose.


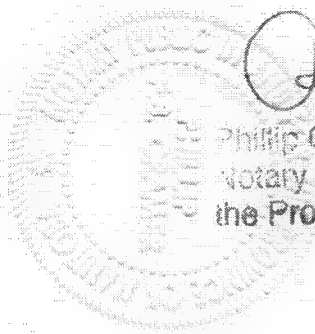
AFFIRMED BEFORE ME
at Winnipeg, Manitoba on
January 5, 2017


A Commissioner for taking affidavits, etc.

Phillip Cramer, a
Notary Public in and for
the Province of Manitoba.


JOHN LOXLEY

**EXHIBIT "A" TO THE AFFIDAVIT OF
JOHN LOXLEY, AFFIRMED
BEFORE ME IN THE CITY OF
WINNIPEG
ON JANUARY 5, 2017**

Philip Cramer, a
Notary Public in and for
the Province of Manitoba.

**Report on Government of Canada's Response to the Canadian Human Rights Tribunal
Orders Regarding Discrimination in its First Nations Child and Family Services (FNCFS)
Program**

By
Dr John Loxley¹

Department of Economics
University of Manitoba
December 2016

1. Terms of Reference

In November 2016 I was engaged by the First Nations Child and Family Caring Society (FNCFCS) to 'Conduct analysis of the financial and other information forwarded by the Government of Canada to ascertain whether or not it fully meets that requested in the orders of the Canadian Human Rights Tribunal' with regard to the findings of discrimination against First Nation children in the government's FNCFS program.

2. Statement of Expertise

I am a Professor of Economics and for thirteen years was Head of the Department of Economics at the University of Manitoba. I have also been the Research Coordinator of the Global Political Economy Program at the university since 2002.

From June 2014 to May 2016 I was the Executive Director, Premier's Advisory Council on Education, Poverty and Citizenship, Manitoba (Half-time).

I am a Fellow of the Royal Society of Canada.

I received the Canadian Association of University Teachers (CAUT) Distinguished Academic Award, May 2008

I received the Galbraith Prize in Economics and Social Justice, awarded by the Progressive Economists' Forum, May, 2010.

Since 2002 I have been the Principal Investigator of three large SSHRC research grants, the last two on the theme of Inner-City and Aboriginal Poverty.

I have served as an Economic Advisor to the Assembly of Manitoba Chiefs, the Assembly of First Nations and several governments, including the Manitoba Government, often on budgetary

¹ With research assistance provided by Marina Puzyreva

matters.

I was an Economic Advisor to the Royal Commission on Aboriginal Peoples 1992 – 95.

I was a Consultant to the First Nations Child and Family Caring Society, Ottawa, on a new funding formula for First Nations child welfare agencies in Canada, from October 2004 and was a co-author of the Wen:de reports which came out of this exercise; namely:

Wien, Loxley and Blackstock, *Bridging Econometrics with First Nations Child and Family Service Agency Practice*. First Nations Child and Family Service Agency Funding Formula Research Project, First Nations Child and Family Caring Society of Canada, Ottawa. Available at www.fncfcs.com. 2004.

Blackstock, Prakash, Loxley and Wien *Wen:de: We are coming to the light of day. Stage Two*. First Nations Child and Family Service Agency Funding Formula Research Project, First Nations Child and Family Caring Society of Canada, Ottawa. Available at www.fncfcs.com. 2005, and

Loxley, DeRiviere, Prakash, Blackstock, Wien and Prokop, *Wen'De: de - We are Coming to the Light of Day: Phase 3 Report*. First Nations Child and Family Service Agency Funding Formula Research Project, First Nations Child and Family Caring Society of Canada, Ottawa, Available at www.fncfcs.com. 2005.

I provided an expert report to the Canadian Human Rights Tribunal in September 2013.

I co-authored 'Keeping First Nations Children at Home: Few Federal Policy Changes could make a big Difference', with Fred Wien, Cindy Blackstock and Nico Trocme, *First Peoples Child and Family Review*, Volume 3, No. 1, 2007.

I am the author of 'The Costs of Implementing the Recommendations of the Truth and Reconciliation Commission on Child Welfare and Early Childhood Education', with Marina Puzyreva, Truth and Reconciliation Commission of Canada, January 2016.

I believe I have the necessary background, therefore, to comment on the federal government's response to the orders of the CHRT.

3. Methodology

The methodology adopted was to consult the ruling by the CHRT on January 26th 2016, its subsequent orders to Indigenous and Northern Affairs Canada (INAC), known at the time of the hearing as Aboriginal Affairs and Northern Development Canada (AANDC), with respect to implementing the ruling and INAC's responses to these orders. Because both the Tribunal and INAC refer to submissions made by the complainants and intervenors, namely, the First Nations Child and Family Caring Society (FNCFCS), the Assembly of First Nations (AFN), the Chiefs of

Ontario (COO) and the Nishnawbe Aski Nation (NAN), documents submitted by these organizations were also studied. The full listing of documents reviewed is to be found in Appendix 1, CHRT documents in black, INAC documents in blue and other documents in red and are referred to in the text by the number they have been assigned there.

4. Background

In its January 2016 ruling, the CHRT found sufficient evidence to establish a prima facie case of discrimination against First Nation children under section 5 of the Canada Human Rights Act. Specifically, it found that First Nations children and families living on reserve and in the Yukon are denied equal child and family services and/or are differentiated adversely in the provision of child and family services (2016- CHRT 2 (1), Section 456, p. 160).

5. CHRT Order

a) Finding the complaint to be substantiated, the Panel made the following orders:

- AANDC is ordered to cease its discriminatory practices and reform the FNCFS Program and 1965 Agreement to reflect the findings in the decision; and,

- AANDC is ordered to cease applying a narrow definition of Jordan's Principle and take measures to immediately implement its full meaning and scope (2016, CHRT 2, Section 481)

b) Stating that it had outstanding questions about how best to implement these orders in the immediate, mid-term and long-term, the Panel proposed a three step process: First, it would address expeditiously the requests for immediate relief (i.e. the requests for immediate reforms to the FNCFS Program and the 1965 Agreement; and for increased funding). The order on Jordan's Principle also called for immediate action. Second, the Panel would then deal with the requests for mid to long-term relief (i.e. to redesign the FNCFS Program and 1965 Agreement; implement training and on-going monitoring). The third step concerned possible compensation for the children adversely affected by underfunding, but this will not be dealt with in this report (CHRT, February 5, 2016).

c) What follows tracks the performance of the Federal government in implementing these orders as the orders evolved over time, by interpreting the financial information provided by INAC, beginning first with those dealing with the response of INAC to the Tribunal's concerns about the FNCFS Program and dealing then with those concerning Jordan's Principle.

6. The Federal Response to the Tribunal's Findings Concerning the FNCFS Program

On March 10, 2016, the Department of Justice responded to the Tribunal's request for clarification regarding immediate relief remedies, accepting the ruling and offering to consider a number of immediate relief measures, such as adjustments to inadequacies in Operations and Prevention funding, increases in the per child amount for services, extension of the EPFA across

the country, additional maintenance funding, cash for intake and investigation services, more money for agencies with more than 6% children in care (CIC), beginning an engagement process with the National Advisory committee and Regional Tables to work on medium to long term reform. The government agreed not to reduce funding to the FNCFS Program. It also expressed support for the Canadian Incidence Study. It agreed to review the 1965 Ontario Welfare Agreement in the medium to long term.

The government promised more details on immediate relief in the Budget announcement of March 22, 2016.

7. Budget 2016

On April 6, the government submitted more information on immediate relief drawing mainly on the 2016 budget (8). This announced new spending of \$634.8 million over five years to the First Nations Child and Family Services Program for both increased prevention services and operational supports. New spending would be \$71.1 million in 2016-2017; \$98.6 million in 2017-2018; \$126.3 million in 2018-2019; \$162.0 million in 2019-2020; and \$176.8 million in 2020-2021, which is ongoing.

The \$71.1 million in immediate relief for 2016-2017 will include:

- \$54.2 million for immediate adjustments to Operations and Prevention; increases to the per child service purchase amounts; funding for intake and investigation services; upward adjustments for agencies with more than 6% of children in care; and funding for providing federal support to expand provincial case management systems on reserve.
- \$16.2 million for prevention funding in Ontario, British Columbia, New Brunswick, Newfoundland and Labrador and Yukon (non-EPFA jurisdictions)
- \$0.7 million to INAC resources for outreach, engagement and effective allocation of funding to service providers.

In addition, INAC committed to continuing to provide additional funding for maintenance funding where changes in provincial service requirements created budgetary pressures.

INAC will invite all parties to an information sharing session on its costing analysis for the immediate relief measures and will provide the relevant materials for this session.

- 8. CHRT 10, issued on April 26 2016** (9), acknowledged the progress being made by INAC in implementing the Tribunal ruling. It noted that INAC had agreed to a full-scale reform of its child welfare program, a review of the 1965 Agreement with Ontario, not to reduce or restrict funding to the FNCFS Program, to immediately re-establish the National Advisory Committee and to support the new iteration of the Canadian Incidence Study. It also acknowledged the provision for immediate relief in Budget 2016.

The Tribunal questioned, however, the amount of time being taken by INAC to implement the immediate relief measures called for in CHRT 2 (1, para 21). It then called for ongoing regular reporting of progress by INAC and ordered the immediate implementation of measures designed to address the deficiencies of Directive 20-1 and the EPFA budget models. Specifically, it called for a report to:

- include information on budget allocations for each FNCFS Agency and timelines for when those allocations will be rolled-out, including detailed calculations of the amounts received by each agency in 2015-2016;
- include the data relied upon to make those calculations;
- include the amounts each agency has or will receive in 2016-2017, along with a detailed calculation of any adjustments made as a result of immediate action taken to address the findings in the Decision (para 23).

9. On May 24, INAC (13) responded to CHRT 10, by submitting a narrative and financial report said to detail how the government is implementing immediate relief measures. This document contains three annexes,

13.a. Annex A First Nations Child and Family Services Program Service Provider Allocations - Information on Budget 2016 allocations for all FNCFS service providers, detailed information on the 15/16 and 16/17 allocations;

13.b. Annex B Information on the costing models used to make these calculations and

13.c. Annex C Information on Immediate Relief Funds.

This was significantly more information on budget methodology and allocations than had been made available since the January ruling.

- a) Annex A contains information on expenditures for each service provider by Province for Operations and Protection, Prevention and Maintenance from 2014/15 to 2016/17. It also outlines the value of new investments in the FNCFS program from 2016/17 to 2020/21. What it does not do is explain how these sums were arrived at, raising the question of the correspondence between these numbers and what is actually happening on the ground at agency level. Not knowing the underlying methodology also limits the use to which these numbers can be put.
- b) Annex A also contains discrepancies in the numbers that are not explained, such as a decrease in funding in BC for Operations and Protection from \$16 million in 2014/15 to \$12.6 million in 2016/17. In some years 'provincial funding' is included in the numbers (e.g. Saskatchewan and Alberta in 2015/16 and BC in 2014/15) but in others it is not (e.g. Saskatchewan and Alberta in 2016/17 and BC in 2015/16, and 2016/17). It is not clear what this represents, federal reimbursement of Provincial expenditures or provincial reimbursement of federal spending.

These discrepancies make it difficult to understand exactly what the numbers represent which makes it hard to evaluate them, but otherwise the Annex provides some of the kind of information called for by the Panel.

- c) Annex B is a Summary of Costing Analysis which provides a detailed breakdown of new investments for FNCFS service providers on a regional basis. The costing generally assumes 1,000 children 0-18 living within the catchment area of the agency, 6% children in care (CIC) and 20% multiple problem families, though each of these assumptions can be varied. Staffing is then plugged in; each agency is assumed to have an Executive Director, an HR person, and Admin Assistant, a Financial Manager and a Case Conference Coordinator. Other staff are provided for according to set ratios; in Quebec one Financial Support Staff person per 100 CIC, one Support Staff and one Supervisor per 6 direct service delivery staff, Intake and Investigation Staff in proportion to the number of multiple problem families and at least one Prevention Staff. These ratios appear to vary slightly from Province to Province. Hence, in Alberta, there is one Support Staff per 4 staff delivering services directly to children, one Intake and one Assessment person per 800 CIC. In Manitoba, it is assumed 7% of children are in care.
- d) In Quebec both salaries and travel are adjusted explicitly for remoteness, whereas a remoteness allowance is said to be built into the EPFA budgets of Saskatchewan and Manitoba (24, October 31, p.9). Allowance for remoteness was built into the budgets for specific agencies by INAC as part of the tripartite table discussions when the EPFA was first implemented in each of these provinces; Manitoba (2010), Saskatchewan (2008) and Quebec (2009).
- e) It appears though that there was no consistency in the allowance made for remoteness. In the case of Quebec, the 2015-16 FNCFS Funding Formula Template, Appendix B May 24 (13), makes explicit provision for increases in salaries and travel for remoteness of \$292,752 which is equal to 9.95% of total funding for an agency servicing 1,000 children. In Manitoba, however, funding of 5% of total salaries, benefits and operating costs are provided for remote agencies (INAC, September 30, Appendix B (20b), p. 17). No explanation is given in the documents for this discrepancy. Neither is it explained why provision for remoteness was not built into discussions with other EPFA recipients, such as Alberta. In the 2011 evaluation of the Alberta EFPA, however, lack of provision for remoteness was raised as a central issue and it was explained that 'First Nations and the Province did not flag remoteness during the discussion to develop the formula; therefore, it was not included' (Management Response to *Implementation Evaluation of the Enhanced Prevention Focused Approach in Alberta for the First Nations Child and Family Services Program* September 2010, INAC, p. viii)
- f) INAC states that it does not currently provide funding for remoteness in regions other than Quebec, Manitoba and Saskatchewan 'as the Department did not have sufficient data and information on which to base calculations for funding' (INAC, September 30, Appendix B (20b), p. 17).

- g) Administrative Overhead is assumed to be 15% of salaries and benefits (the latter assumed to be 20.45% of salaries) and off-hour emergency services are tied to 10% of total costs of service delivery staff. Provision is also made for audit, legal and insurance costs.
- h) The costing items per 1,000 children serviced by the agency are then presumably applied to the actual number of children serviced by each agency and the budget for each agency is then derived, but these calculations are not shown in Annex B.
- i) Based on my expertise, the main drivers of the costing model are the basic assumptions about CIC and per cent of problem families. Thereafter, differences between agencies in different provinces will be driven largely by salary differences as salaries directly or indirectly account for over 80% of the costing items.
- j) Annex C gives a breakdown of Immediate Relief funding in 2016/17 by agency by region. No explanation is given as to how these numbers were arrived at so I am unable to draw a conclusion on their adequacy.

10. CHRT 16

In its **September 14 ruling, 2016 CHRT 16 (19)**, the Tribunal again expressed concern at the slowness of INAC in implementing previous orders with regard to Immediate Relief measures and gave INAC until September 30th to provide the rationale, data and any other relevant 'used to determine its five-year plan for investing in the FNCFS Program and in determining budgets for each FNCFS Agency, including its cost driver study and trend analysis documentation, how it arrived at financial projections beyond fiscal year 2016-2017, any steps taken to ensure comparability of staff salaries and benefit packages to provincial rates, the information used to determine the caseload ratios in Quebec and Manitoba and, generally, how it determined values for off-hour emergency services, staff travel, agency audits, insurance and legal services' (C1a, p.47).

11. INAC responded to CHRT 16 on September 30th and October 31st (24 and Annexes 24A to 24I).

- a) In Annex C of the 30th September response (20c) INAC confirms that **individual agency funding** is arrived at by applying the population of children covered by each agency to the funding formula per 1,000 children. That step was missing from INAC's May 24 (13) submission in Annex B. It is not clear, however, how data released by INAC on Operating Funds for 2016-17 and Allocations for Immediate Relief as in the Master List Allocation of 13a, fit into the 2016-17 data for individual agencies in 20c (INAC-CHRT September 30, 2016).

- b) As an example, for Gitxsan in BC in 20c Operating Funds and Protection total \$748,368 while Prevention is \$543,600 for a total of \$1,291,968. In 13a (May 24, INAC, Annex a) funding is said to be \$824,131 for Operations and Protection and \$340,803 for Prevention for a total of \$1,164,934. This is a significant and unexplained difference. In the costing data in 20c under a tab headed BC-2015, plugging Gitxsan's data into the model shows total funding (without maintenance) to be \$1,356,388, which is much higher than the other 2 numbers above. This seems to suggest that funding fell over the past two years, which is not likely. Clarification of these numbers is, therefore, required, and the link between data on operating funds, allocations for immediate relief and the costing templates should be made more explicit.
- c) Even if these discrepancies did not exist, the method of deriving budgets for individual agencies does not address Panel questions about specific items in the costing, such as provision for legal, remoteness, etc. That the costings are arrived at on a regional basis with no necessary relationship to agency needs highlights the necessity to go beyond budgetary formulae.
- d) INAC's response to the question of **identifying agency needs** reveals, however, an important cleavage between the complainants and intervenors and INAC. INAC's approach is to unilaterally offer agencies \$25,000 'to provide information about your agency's distinct needs and circumstances, the associated costs to meet these needs, and the factors that impact the way you deliver child and family services' and to provide this by June 2017 (24a, 28th October, 2016). Based on my past experience with INAC, it is unlikely that it has the capacity to process the information sought from individual agencies and to put it into a coherent policy framework. There is also the question of whether approaching individual agencies to determine their needs is the correct one given the isolated perspectives that agencies might have. Regional tables are already planning to examine budgetary requirements and it may be that the collective sharing of information and perspectives on the budget is a superior one in terms of more accurately determining needs. Agency needs are probably much better arrived at through the planned collective and consultative regional budget/costing exercises which can draw upon appropriate technical expertise. The money offered by INAC, which is probably quite inadequate for larger agencies, might be better invested in those exercises.
- e) On allowing more systematically for **remoteness**, INAC ties this to the information collecting exercise it has proposed. This is not an appropriate approach as addressing remoteness will require technical expertise not likely available in individual agencies and INAC. Also, there needs to be a consistent and defensible approach to providing for remoteness across the country. This goes beyond the scope of expertise of individual agencies.

- f) In addressing **the needs of agencies with more than 6% of CIC or more than 20% of families in need**, INAC again falls back on its data collection exercise, arguing that agency responses will clarify how these needs should be addressed (pp.3-4). As an interim measure however, agencies with more than 6% of CIC will be prioritized **for additional prevention funding** and the assumed 20% of families in need will be adjusted proportionately. It is not self-evident that amelioration should be confined to additional prevention funding only. The costing analysis in Annex C (30th September, 24C) ties items other than prevention spending, such as Financial Support Staff, Resource Support Workers and Intake /Investigation staff (in the Quebec model) directly to CIC or to the number of multiple problem families. Adjusting the number of these positions for higher proportions of CIC or multiple problem families might in turn increase support staff as well as administrative overheads which are tied to salary levels. Thus general operating funds would need to expand as well as prevention funding if these core ratios are exceeded. Providing for higher proportions of CIC or multiple problem families by adjusting the costing budget in this way reduces INAC discretion and adds more certainty to the provision of operating funding to help address the problem.
- g) INAC takes a similar approach to the problems faced by **small agencies**; an interim measure with effect from January 1, 2017 with further action being dependent on the outcome of the data collection exercise on agency needs. The immediate action is to set a child population of 300, as opposed to 251, as the lowest threshold for scaling. All agencies serving a 0-18 child population of fewer than 300 will receive core funding scaled at 37.5%, whereas previously those serving 200 children or less were scaled at 25% and agencies serving 100 children or less were scaled at 12.5% (pp. 4-5). While being a step in the right direction, the underlying problem of inadequate funding for small agencies and large step increases in funding for relatively small increases in the child population still remain. These problems were identified in the FNCFS Joint National Policy Review (2000, p.13) and reiterated in *Wen:de; The Journey Continues*, FNCFCSD, 2005, p.23. The solution proposed in *Wen:de* of adjusting funding smoothly for every increase in children of 25 above a minimum and up to a maximum threshold would seem to address both these problems.
- h) On the issue of **legal fees**, INAC's response is that some provision is made in core funding and this varies from Province to Province. It is then prepared to review requests for additional funds to cover legal requirements on a case-by-case basis. INAC is also relying on its data collection exercise to throw light on an appropriate level of funding for legal fees in future. This is not likely the way to resolve what is really a technical/professional issue revolving around the necessary number of hours for different types of legal work and the appropriate fee per hour.

- i) On the issue of immediately addressing the costs of **building repairs**, INAC once more defers this until data on agency needs is collected. Given the urgency of these repairs from a safety compliance point of view, the probable lack of awareness of many agencies of the facility condition index (a tool to measure urgency of repairs on a cost basis) and given the concerns about the efficacy of the data collection exercise, this approach is not likely to resolve the issue.
- j) INAC acknowledges that the **child service purchase amount** was inadequate and has raised it from \$100 per child to \$175 as an interim measure, pending receipt of agency needs from its data collection exercise. This seems to be an arbitrary increase, albeit no doubt a move in the right direction. Tying the ultimate resolution to the data collection exercise is once again questionable and it also ensures further delays. Furthermore, the adjustment to the per child amount of 75% should be put into the context of an increase in the cost of living of 72% since 1989 (<http://www.statcan.gc.ca/tables-tableaux/sum-som/l01/cst01/econ46a-eng.htm>) the last date the per child amount was adjusted. There is, therefore, almost no increase in the real value of the per child amount.
- k) On the receipt, assessment and investigation of **child protection reports**, INAC outlines the different approaches in different Provinces and once more ties the ultimate resolution of the question to the receipt of data from the collection exercise commissioned in its October 28 letter to agencies, which will then be used in national and regional discussions. Once again, this is a questionable approach.
- l) On the question of **growth and future cost drivers**, INAC stresses that these are arrived at both centrally and regionally and not on an agency by agency basis in any Province. INAC refers to Table 2 in their May 24 submission (13). This table shows the amounts provided by INAC for Growth and Cost Drivers in the years 2016/17 to 2020/2021, amounting to \$7.37 million in 2016/17 and rising to \$58.7 million in 2020/21. The cost drivers are said to include child maintenance costs, agency operating costs, salaries and the ratio of children in care. There is no breakdown of these in this report or of the assumptions of cost growth in the various items. There is no way of knowing, therefore, how these numbers were arrived at.
- m) More explanation on these cost drivers was given in INAC's September 30th response (20, pp. 3-5). An annual increase of 3.05% is being used, derived from historical data provided in Annex D and E of the September 30th response. The three main cost items are maintenance, salaries and other expenses, with weights of 50%, 30% and 20% of total costs respectively. It is assumed that maintenance costs rise by 4.7% p.a. on average which, appears to cover both inflation and growth in number of CIC (see footnote to the table on page 4 of their response). Salaries are projected to grow at 3% p.a. apparently based on recent labour settlements and this seems to be entirely inflation and not due to any additional

employment. This seems reasonable after recent staff and salary adjustments by INAC in the funding formulae, e.g. see the Alberta costing analysis 1000 model which incorporates significant salary increases (24 Annex C) and for the former directive 20-1 agencies which received both salary increases and staff increments. Projected inflation on other, non-salary, non-maintenance costs is assumed to be 1.4%. The overall increase of 3.05% p.a. is arrived at by multiplying the separate weights by their respective inflation rates as follows; maintenance $0.50 \times 4.7\% = 2.35\%$; salaries $0.30 \times 3\% = 0.9\%$ and other costs $0.20 \times 1.4\% = 0.28\%$. These are then added together to arrive at $2.35\% + 0.9\% + 0.28\% = 3.53\%$ and from this is deducted 0.5% on account of increased spending on prevention and kinship care, leaving approximately 3.05% p.a.

n) There are four observations to be made on this methodology:

- 1) The resulting adjustment for cost drivers is a vast improvement on past practice and is in line with what complainants and intervenors have been requesting (p.4).
- 2) The weights used for each category of cost (50% for maintenance, 30% for salaries and 20% for other costs) are approximations, On past data maintenance would have been higher, at around 56.5%, and salaries and other lower at 26% and 17.4% respectively. Had these ratios been carried into the future, the cost escalator would have been $4.7\% \times 0.565 = 2.66$ for Maintenance, 0.78 for salaries and 0.24 for other, for a grand total of 3.68 versus INAC's proposed 3.53. These appear to be small differences but would lead to a \$67 million difference over 10 years and a \$164 million over 15 years on a base budget of \$650m. There is no explanation for why the maintenance share is expected to fall so much and to the extent that this assumption proves to be overly optimistic, there will be a funding shortfall overall.
- 3) The cost escalator for other costs at 1.4% is quite low and the Conference Board of Canada (CBC) expects it to be around 2% (Canadian Outlook, Economic Forecast, Summer 2016, http://www.conferenceboard.ca/temp/cde53d52-76e7-49b8-8f13-c79268afc926/8152_co_summer2016_.pdf), p. 96. BMO Capital Markets also expect inflation to be in the 1.9-2.0% p.a. range for 2017-2018, (<http://economics.bmocapitalmarkets.com/economics/forecast/ca/cdamodel.pdf>). If the CBC and BMO are correct, this would add a further 0.12% to the escalator of 3.53 before projected savings due to prevention, kinship care etc. and again would raise inflation adjustments significantly over 10 to 15 years. Given these discrepancies, the assumption around the inflation rate certainly does need monitoring.

- 4) An adjustment downwards to the cost escalator of 0.5% from 3.53 to 3.03 is made on account of increased spending on prevention and kinship care. There is no explanation as to how this was arrived at. There may also be some double counting here as the assumed 50% share of maintenance in the costing budget to which this inflation factor is applied is already well below historic levels.

12. The Assumption about the Speed of Phasing is the Key to the Annual Expenditure Numbers

INAC explained that **the five year budget allocation** was arrived at by estimating what a full-year's implementation would cost in year 4 and then making assumptions about how quickly different agencies could reach full implementation, given program and staff constraints. These assumptions are critical but are not defined or differentiated between EPFA and non-EPFA regions and agencies.

13. Overall Interpretation of Financial Information Regarding INAC's Implementing CHRT Ruling and Subsequent Orders

- a) There is no question that recent changes by INAC have had a significant impact on the FNCFS Program and the CHRT has had an enormous impact on the flow of information about that program. In particular, **it has accomplished the following:**

- 1) A significant increase in funding for operations and prevention across the country and provision for growth and inflation going forwards.
- 2) Guarantees about the level of overall funding, the level of maintenance funding, and the ratios of CIC and multiple problem families as minimum levels.
- 3) A commitment to fundamentally reform the program, including the 1965 Ontario Agreement.
- 4) Much greater transparency in the way in which the INAC budget as well as individual agency funding is constructed, including cost drivers.
- 5) An explanation of how the five year funding plan was put together
- 6) Commitments to review a number of outstanding budget items, such as legal fees, infrastructure funding, remoteness, small agencies etc.

- b) On the other hand there are a number of **outstanding concerns** that INAC needs to address.

- 1) INAC is relying heavily on the data collection exercise on agency needs, announced on October 28, to help determine the receipt, assessment and investigation of child protection reports, remoteness allowances, small agency budgets, child service

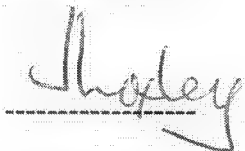
purchase amounts, legal fees and building repairs. It is unlikely this exercise can deliver coherent outcomes on these issues which might be better approached as a collective exercise by agencies working together and sharing information, experience and proposals. If, however, the exercise is to proceed, INAC should explain how it intends to conduct it, including how it proposes to find the appropriate technical expertise. Otherwise, rolling this into the Regional and National exercises might be a preferred way to proceed.

- 2) INAC should explain the apparent inconsistencies in the funding of individual agencies, such as Gitksan, and explain clearly which portions of their activities in the costing model will be affected by the flow of immediate relief funds.
- 3) INAC should be asked to justify its assumptions in its growth and future cost drivers about the weight attached to maintenance expenditures and the expected cost of living increase.
- 4) The increase in the child service purchase amount seems to be arbitrary and, after allowing for inflation, very minimal.
- 5) Given their importance, certainty is required about the assumptions INAC has made with respect to the phasing-in of expenditures by province over the next four years to ensure that planned expenditures match regional and agency capacities.


14. On Jordan's Principle

INAC's Response to-CHRT July 6, 2016 (17) Canada commits to spending up to \$382 million in new funding over three years, to be accessed by Health Canada and INAC to cover costs of services that are required to meet provincial normative standards of services for First Nations children living on-reserve with a disability or with a discrete, short-term issue for which there is a critical need for health and social supports. I am not able to identify the funding drivers or assumptions leading to this amount. It is not stated how that sum was arrived at.

January 5, 2017



John Loxley


Signature witnessed by
Philip Cramer, a
Notary Public in and for
the Province of Manitoba.

Appendix1. Documents Consulted

1. CHRT to INAC January 26, 2016 – Tribunal Ruling 2016 CHRT 2

2. CHRT to INAC February 5, 2016 – CHRT letter to all parties re: CHRT order and case management process for remaining issues

3. CHRT to INAC February 10, 2016 - CHRT letter to all parties to request further clarification on immediate relief items

3.1. Caring Society response to Tribunal Immediate Relief Questions (February 18 2016)

3.2. COO response to Tribunal Immediate Relief Questions (February 18 2016)

3.3. AFN response to Tribunal Immediate Relief Questions (March 3 2016)

3.4. Commission's response to Tribunal Immediate Relief Questions (March 3 2016)

4. INAC-CHRT March 10, 2016 - The Department of Justice responds to the Tribunal's request for clarification regarding immediate relief remedies.

4.1. AFN's reply to Canada's March 10, 2016 Submissions March 31 2016)

4.2. Caring Society reply to Canada's March 10 responding submissions (March 31, 2016)

4.3. Commission's reply to Canada's March 10, 2016 response submissions (March 31, 2016)

4.4. COO's reply to Canada's March 10, 2016 Submissions (March 31 2016)

5. CHRT to INAC March 16, 2016 – CHRT letter to all parties re: AFN's extension of time request for filing of replies further to Federal Budget announcement

6. CHRT to INAC March 24, 2016 – CHRT letter to all parties re NAN status and respondent replies

7. CHRT to INAC April 1, 2016 – CHRT letter to all parties re: timeline for filing of all additional submissions

8. INAC-CHRT April 6, 2016 - The Government of Canada submits further recommendations to the Canadian Human Rights Tribunal regarding remedies.

8.1. AFN's further reply to Canada's April 6 2016 response submission (April 11 2016)

8.2. Caring Society's Further reply to Canada's April 6 2016 response submission (April 11 2016)

8.3. Commission's further reply to Canada's April 6, 2016 reply submission (April 11 2016)

- 8.4. COO further reply to Canada's April 6 2016 response submission (April 11 2016)
9. **CHRT to INAC April 26, 2016** - The Canadian Human Rights Tribunal releases its immediate relief remedies, including the full implementation of Jordan's Principle.
10. **CHRT to INAC May 5, 2016** – CHRT letter to all parties re: NAN interested party status (Tribunal ruling 2016 CHRT 11)
11. **CHRT to INAC May 5, 2016** - Letter to parties enclosing ruling 2016 CHRT 11
12. **INAC-CHRT May 10, 2016** - the Government of Canada responds to the Tribunal's order to immediately implement the full meaning and scope of Jordan's Principle
13. **INAC-CHRT May 24, 2016** - The Government of Canada responds to the Tribunal's April 26, 2016 order to provide a narrative and financial report that details how the government is implementing immediate relief measures. Document refers to Annex A, B and C.
- 13.a. Annex A** First Nations Child and Family Services Program Service Provider Allocations - Information on Budget 2016 allocations for all FNCFS service providers, detailed information on the 15/16 and 16/17 allocations
- 13.b. Annex B** Information on the costing models used to make these calculations
- 13.c. Annex C** Information on Immediate Relief Funds.
- 13.1. Caring Society Submission re May 10 and 24 2016 Compliance Reports (June 8 2016)
- 13.2. COO response to May 10 and 24 2016 compliance reports (June 8 2016)
- 13.1. AFN Submissions in response to May 10 and 24 2016 compliance reports (June 24 2016)
- 13.2. Commission's response to May 10 and 24 2016 compliance reports (June 24 2016)
14. **CHRT to INAC May 26, 2016** – CHRT letter to all parties in response to Attorney General of Canada's submissions May 10, 2016 and May 24, 2016 and inviting written responses to AGC's May 2016 submissions from all parties.
15. **INAC-CHRT June 3, 2016** – Government of Canada replies to immediate relief submissions of NAN (we don't have the original submissions themselves of this interested party among the documents)
16. **CHRT to INAC June 14, 2016** – CHRT letter to all parties re: reasons for postponement of in-person meeting
17. **INAC-CHRT July 6, 2016** - The Government of Canada submits another compliance report to the Canadian Human Rights Tribunal.

18. CHRT to INAC September 9, 2016 – CHRT letter to all parties – confidential advance notice of anticipated release of ruling on immediate relief

19. CHRT to INAC September 14, 2016 - Canadian Human Rights Tribunal issues a second Compliance Order against the Government of Canada in the First Nations child welfare case

20. INAC-CHRT September 30, 2016- Indigenous and Northern Affairs Canada (INAC) submits its response to the Tribunal compliance order issued September 14, 2016. Document refers to Annexes A, B, C (Excel spreadsheets), D, E, F, G, H.

Annex A. In Alberta several meeting of all 17 agencies were held to examine EPFA funding model and to outline agency challenges and concerns

Annex B. In Manitoba a tripartite working group examined funding deficiencies identified by agencies including salary parity, costs associated with intake and the need for core funding for agencies serving more than one community.

20.c. Annex C. Set of Excel spreadsheets. Contain the information and the data used to calculate funding allocation for each agency in each province.

2015-16_COSTING_NEW_BRUNSWICK

2015-2016_COSTING_-_NOVA_SCOTIA

2015-2016_COSTING_-_PEI

2015-2016_COSTING_-_QUEBEC

2015-2016_COSTING_-_YUKON

2015-2016_COSTING_-NEWFOUNDLAND_AND_LABRADOR

BC_-_COSTING_ANALYSIS_2015-16

COSTING_-_SK_ANALYSIS_15-16

COSTING-_AB_ANALYSIS_15_16

COSTING-_MB_ANALYSIS_15_16

ONTARIO_REGION_PREVENTION_COSTING_PROPOSAL

20.d. Annex D Summary of the historical analysis of the cost drivers.
FNCFS_DETAILED_TREND_ANALYSIS_06-07_TO_12-13_

20.e. Annex E Trend analysis spreadsheet

ANNEX_E_HISTORICAL_DATA_AND_COST_DRIVERS_-
_DOCUMENTATION_FOR_TRIBUNAL_SEPTEMBER_2016

20.f. Annex F The letter referred to in INAC's May 24th Submission at paragraph 32 regarding funding for Band Representatives

20.g. Annex G INAC's June 2, 2016 letter referred to at paragraph 44 of Canada July 6, 2016 submission regarding the flow of immediate relief funding

20.h. Annex H Response to this letter (see 7.g.)

21. CHRT to INAC October 3, 2016 – CHRT letter to all parties re: case management meeting

22. INAC-CHRT October 3, 2016 - INAC filed its First Nations child and family services (CFS) funding methodology and costing analysis with the Canadian Human Rights Tribunal.

23. CHRT to INAC Oct 19, 2016 – CHRT letter to all parties re: case management meeting

24. INAC-CHRT October 31, 2016 – Response of Indigenous and Northern Affairs Canada to The Canadian Human Rights Tribunal Order of September 14, 2016. Refers to Annexes A-I

24.a. Annex A LETTER_TO_FNCFS_AGENCIES_- _DISTINCT_NEEDS__PROPSOAL_
(OCTOBER_28__2016)

24.b. Annex B

EMAIL_TO_REGIONS_REGARDING_INFORMATION_TO_FNCFS_PROGRAM

24.c. Annex C RESPONSE_TO_COO_- _IMMEDIATE_RELIEF_- _OCTOBER_21_2016

24.d. Annex D NOBA_- _IMMEDIATE_RELIEF_- _LETTER_TO_PROVINCE_-
_OCTOBER_21_2016

24.e. Annex E JP_FOCAL_POINTS_AND_COVER_EMAIL_

24.f. Annex F ENGAGEMENT_PLAN_APPROACH

24.g. Annex G COLLECTION_OF_MEETING_RECORDS_FOR_OCTOBER_31__
2016_CHRT_SUBMISSION

24.h. Annex H RESPONSE_FOR_OCTOBER_31__2016_- _MSR_AGENDA

24.i. Annex I Relevant attachments for regional meetings related to Jordan's Principle implementation

25. INAC-CHRT October 31, 2016 Email to CHRT - October 31, 2016 - letter accompanying sending of the report to the Tribunal

26. LT from Taylor to Adzic - November 22 2016 (Notice of Motion - Immediate Relief)

CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA
and ASSEMBLY OF FIRST NATIONS**

Complainants

and

CANADIAN HUMAN RIGHTS COMMISSION

Commission

and

**ATTORNEY GENERAL OF CANADA
(representing the Minister of Indian and Northern Affairs)**

Respondent

and

**CHIEFS OF ONTARIO, AMNESTY INTERNATIONAL CANADA
and NISHNAWBE ASKI NATION**

Interested Parties

AFFIDAVIT OF CASSANDRA LANG

I, Cassandra Lang, of Ottawa, Ontario, make oath/affirm as follows:

1. I am the Director, Children and Families, in the Children and Families Branch at Indigenous and Northern Affairs Canada (INAC). I lead the headquarters team responsible for implementation of national policy and program management for the First Nations Child and Family Services Program (the Program).

2. I have reviewed the Canadian Human Rights Tribunal's (Tribunal) ruling dated January 26, 2016 and the September 14, 2016 ruling with respect to remedy. I have also reviewed the September 30, 2016 and October 31, 2016 compliance reports filed by INAC in response to the September 14, 2016 order. In my capacity as Director, I oversaw the drafting of these compliance reports, which are attached as Exhibits "1" and "2" respectively. I have also reviewed the written submissions filed with the Tribunal by Canada on May 24, 2016 and July 6, 2016.
3. The compliance reports and submissions, along with this affidavit, detail Canada's efforts to comply with the Tribunal's orders on immediate relief made to date. These efforts are discussed in greater detail below.

Funding Compliance

4. The Budget 2016 investments of \$634.8 million over five years represented a first step in addressing funding gaps in the Program. This year, \$71.1 million in new funding was allocated to support the Program. As of December 2016, approximately 75% of this funding has flowed to agencies. The remaining 25% will be spent prior to March 31, 2017. Budget 2016 funding is allocated as set out on page 6 of Canada's September 30, 2016 compliance report. To date, an additional approximately \$20 million has been allocated to agencies to respond to pressures identified in late 2015-16 and 2016-17. Examples of agency pressures include maintenance pressures, other deficits and payments resulting from the impacts of provincial reforms.
5. To respond to the Tribunal's September 14, 2016 orders to increase prevention services for families at risk, as well as adjust the funding approach for small agencies, INAC made further investments to the funding set out in paragraph 4 above. In the fourth quarter of the 2016-17 fiscal year, additional funding (that is, funding beyond Budget 2016 investments or funding for agencies pressures) for these two items total approximately \$1.9 million. The funding will be ongoing and adjusted to reflect actual needs as they are identified by agencies.

6. INAC is engaging with all its partners across the country to further explore different models to respond to the increased need for prevention services. Examples raised by partners that INAC is considering include reimbursing or funding agencies based on actual costs (similar to what is done in the case of maintenance) and supporting communities in their efforts to provide prevention programming. INAC has also asked agencies, including small agencies, to provide the Department with further information about their actual needs and distinct circumstances, as outlined below.
7. On October 28, 2016, INAC offered First Nations delegated agencies funding to provide the Department with information about their actual needs and distinct circumstances. Agencies were invited to submit individual reports or to work together or through existing mechanisms (e.g., involvement in regional tripartite working tables) to provide this information. Attached as **Exhibit 3** is the October 28, 2016 letter to agencies.
8. To date, approximately 80 agencies in British Columbia, Alberta, Manitoba, Ontario, Quebec and the Atlantic provinces have begun the process of seeking funds to provide INAC with information on their needs, including areas identified by the Tribunal as needing reform. INAC has asked to receive the reports from agencies on their needs by the end of June 2017, however, some agencies have indicated that they will need more time to provide the information.
9. Investments of approximately \$1.975 million have been allocated to regions for this fiscal year to support agencies to identify their actual needs and distinct circumstances, with additional funds being available should other agencies confirm they are interested in responding to INAC's request. These funds are in addition to the funds outlined in paragraph 4 above. Further, the letter sent by INAC provided agencies with a funding opportunity to implement a cultural vision for their programming (e.g., implementation of Touchstones of Hope, development of culturally based tools for communities). To date, a number of agencies in British Columbia have expressed an interest in doing this work and

approximately \$1.5 million has been allocated to support this work. These funds are in addition to the funds outlined in paragraph 4.

10. Discussions are ongoing with agencies in other regions of the country about the funding opportunity to develop a cultural vision.
11. As ordered by the Tribunal on September 14, 2016, INAC has committed "to not reduce or further restrict funding" for agencies, as set out on page 2 of its October 31, 2016 compliance report.

Engagement and Reform Activities – Update Since Canada's October 31, 2016 Compliance Report

12. As set out in its September and October 2016 compliance reports, Canada has taken steps to comply with the Tribunal's orders. However, any further reform must be undertaken in collaboration with Canada's partners. This work is underway.
13. To that end, Canada continues to develop and implement a multi-pronged engagement process to gather information on agency needs and work collaboratively towards medium and long-term reform with our partners, including First Nations, their leadership and political organizations, the National Advisory Committee, First Nations child and family services agencies, provinces and Yukon, and youth who have aged out of care, to name a few.
14. This engagement approach includes appointing a Minister's Special Representative to gather advice and perspectives from a range of partners across the country. It also involves establishing the National Advisory Committee on First Nations Child and Family Services Program Reform (see Annex F to Canada's October 31, 2016 submission). Since the filing of the October 31, 2016 report, progress has been made in each of these areas. A brief update is provided below.

15. The Minister's Special Representative, Dr. Cynthia Wesley-Esquimaux, has been meeting and continues to meet with a broad range of partners, including: First Nations Child and Family Services agencies, First Nations leadership, community members and youth, community organizations and provincial/territorial governments. Through these meetings, the Minister's Special Representative is able to hear directly about promising practices in child welfare protection and prevention. Her Statement of Work is attached as **Exhibit 4**.
16. In addition to an announcement on October 27, 2016, the Minister's Special Representative was introduced in a letter to partners from the Minister on October 26, 2016, and through further communications as part of the regional visits. Dr. Wesley-Esquimaux's first official regional engagement visit was in British Columbia from November 21-30, 2016. During that visit, the Minister's Special Representative and senior officials from INAC met with representatives from First Nations leadership and communities, elder advisors, the province, the provincial advocate's office, First Nations Child and Family Services agencies, and youth advisory committees and networks.
17. A regional visit to Alberta took place on January 15-20, 2017 where she met with First Nation Chiefs, youth, community members, agency representatives and the provincial government.
18. Other visits are planned for: Ontario (January 23-26, 2017), New Brunswick, Nova Scotia and Prince Edward Island (February 6-10, 2017), Quebec (February 20-24, 2017), Saskatchewan (February 27-March 2, 2017), Yukon (March 6-8, 2017), Manitoba (March 13-17, 2017) and Newfoundland and Labrador (March 20-21, 2017). The Minister's Special Representative is also speaking to individuals who contact her to share their concerns and views. Individuals can contact the Minister's Special Representative through the department.
19. The input and perspectives shared to date are providing the Minister of INAC with a broad range of ideas and options to fully reform the Program in order to respond to the Tribunal's orders. As a result of these initial discussions, INAC is

undertaking discussions with partners and exploring putting agreements in place to support several pilot projects on prevention and new models for service delivery, including with Esketemc First Nation (also known as Alkali Lake), Shuswap Tribal Council and Chippewas of the Thames. More community-based best practices/approaches will be identified, shared and further developed as they are raised by partners during the engagement process, either through discussions with the Minister's Special Representative, through regional or national engagement tables, or by individual communities or agencies.

Regional Engagement and Reform Activities – Update Since October 31, 2016 Compliance Report

20. Funding of approximately \$2.44 million has been allocated to support regional engagement and reform activities. Regional tripartite meetings are being supported across the country. For example, there was a tripartite meeting in Saskatchewan on January 11, 2017 and in Manitoba on January 13, 2017 to discuss and plan for the Minister's Special Representative's regional visits with regional program stakeholders.
21. Funding is also being provided to Indigenous Regional Organizations and other key partners to undertake activities for engagement and to support input for reform, such as: reviewing existing regional reports (e.g., studies and recommendations by regional organizations, provincial advocates and others which may set out specific suggestions for approaches to prevention or other areas of need for agencies or communities) and prioritizing and advising on how to implement the recommendations in these reports; drawing on Indigenous methodologies to engage with First Nations communities, families and others from across the region; and providing evidence-based advice to inform the reform process. For example, the Assembly of Manitoba Chiefs is receiving funding in Manitoba, and the First Nations of Québec and Labrador Health and Social Services Commission is being funded to coordinate engagement in Quebec.

Ontario 1965 Agreement – Update Since Canada's October 31, 2016 Compliance Report

22. INAC is working with the Province of Ontario and First Nations regarding the distribution of funding and planning for broader engagement on the reform and development of new options for the *1965 Agreement*. INAC worked with the provincial Ministry of Children and Youth Services and the Social Services Coordination Unit at the Chiefs of Ontario on a one-time way to fund immediate relief investments for Ontario for 2016-17 in the amount of approximately \$5.8 million. The Chiefs of Ontario presented INAC and the province with the amount that each community would receive and Ontario disbursed the funds on behalf of Canada so that communities could fund prevention activities.
23. Building on these discussions, a technical tripartite meeting of directors of social services from INAC, the province of Ontario and Indigenous Regional Organizations took place in Ontario on January 13, 2017. At this meeting, the tripartite group identified the following items for further discussion: review of the *1965 Agreement*, Band Representatives, mental health, scoping an Ontario-specific study, remoteness and a framework for a long-term policy and funding approach. Following this meeting, Terms of Reference will be agreed to by Ontario, INAC and First Nations representatives to guide future collaborative efforts of this group and a follow-up meeting is planned for February 15, 2017.
24. In response to the Affidavit of Deputy Grand Chief Denise Stonefish concerning funding for mental health, Band Representatives and an Ontario Special Study, INAC is working in partnership with Ontario, provincial Indigenous Regional Organizations and individual First Nations to examine these issues, as set out in paragraph 23 above. The issue of funding for and the role of Band Representatives or equivalent capacity supports for regional representative organizations has also been raised by First Nations in other provinces and must be examined as part of the larger national engagement process as well. The issue of mental health must be examined in partnership with other federal departments,

including Health Canada, and the provinces/Yukon as it is a broader issue than the Program.

25. In response to the Affidavits from Nishnawbe Aski Nation on agency deficits, under the *1965 Agreement*, INAC has a reimbursement-based transfer-payment relationship with the province of Ontario and not with individual agencies. The agencies have a direct funding relationship with the Government of Ontario, per its responsibilities under the *Child and Family Services Act*. INAC reimburses the Government of Ontario for approximately 93% of provincially approved agency expenditures eligible under the *1965 Agreement*, including a 10% federal holdback pending audit of submitted expenses. The province of Ontario provides INAC with financial statements related to services eligible under the *1965 Agreement* for registered First Nations children in care normally resident on reserve.
26. INAC is working with these agencies, including as outlined in paragraph 7, to assist them to provide the Department with information about their actual needs. Also, as part of tripartite meetings between INAC, the province of Ontario and First Nations Indigenous Regional Organizations, discussions are underway about how to work together to better understand and respond to agency and community needs across the province of Ontario.
27. In addition, INAC has had preliminary discussions with the leadership of the Nishnawbe Aski Nation regarding their needs and proposals for a study on remoteness, which could include gathering remoteness data and/or developing a remoteness quotient that could be applied to meet the needs of agencies in remote regions. These discussions are ongoing.

National Advisory Committee – Update Since Canada's October 31, 2016 Compliance Report

28. Regarding its national engagement activities, INAC has worked closely with the Assembly of First Nations and the First Nations Child and Family and Caring

Society to establish the National Advisory Committee, recognizing the important role this body will play in advising the reform process. Following discussions over the past several months, meetings took place on December 6, 2016 and December 15, 2016 to agree on Terms of Reference for the Committee.

29. The Terms of Reference specify that the Committee includes a national chair, three representatives from the federal government, one representative from the Assembly of First Nations, one representative from the First Nations Child and Family Caring Society, 10 First Nations child and family services agency directors (one from each of the Assembly of First Nations's regions), one First Nations youth representative and one First Nations Elder representative.
30. In response to the Affidavit of Jonathan Thompson concerning the expertise of this Committee and its role in the engagement process, the Terms of Reference for the National Advisory Committee have been approved. The Committee will play an important role in providing an avenue for expert advice on agency funding needs and all of the other issues set out in the Terms of Reference. The first meeting will be on January 24 and 25, 2017. The Terms of Reference are attached as **Exhibit 5**.
31. INAC has provided funding of approximately \$440,000 to the Assembly of First Nations for staff and supports to provide policy advice and do research, outreach and communications on social policy issues, including First Nations child and family services, as well as participate in the Committee. INAC has also provided funding of approximately \$118,000 to the Assembly of First Nations to conduct research and carry out a survey of service providers to determine the range of services provided, the optimal level of service, the costs associated with providing equitable services and to develop a funding formula or economic model for First Nations family and child services. In addition, INAC has allocated approximately \$149,000 to support the First Nations Family and Caring Society to support their participation in the Committee and related processes. The funding agreement has not yet been signed by the organization.

**National Engagement Activities – Update Since Canada's October 31, 2016
Compliance Report**

32. As part of national engagement activities, INAC is engaging with its partners to design a National Youth Summit. The current concept for the Summit is to focus on hearing directly from youth who have been in care about their experiences and perspectives on what needs to change. A planning meeting for the Summit, involving approximately 30 youth from across the country, is being planned for February 13 and 14, 2017.
33. The Minister of INAC will also be meeting with provincial/territorial child advocates on January 25 or 26, 2017. In addition, INAC is also working with Employment and Social Development Canada and the provinces and territories to share information through a Federal/Provincial/Territorial Working Group on Indigenous Children and Youth and Care, and to prepare for the meeting of federal/provincial/territorial Ministers Responsible for Social Services, scheduled for February 2 and 3, 2017. The Minister will attend this meeting to discuss the issue of Indigenous Children and Youth in Care with National Indigenous Organizations and provincial/territorial Ministers Responsible for Social Services. All of these discussions are in support of reform of First Nations child and family services.

Response to Specific Issues Raised in the Affidavits of Complainants or Interested Parties

34. In response to the Affidavit of Raymond Shingoose regarding agency funding needs at Yorkton Tribal Council Child and Family Services Inc., INAC confirms that funding in the amount of \$973,054 was provided to the agency for 2016-17 in respect of immediate relief investments. This amount was calculated according to the national methodology previously described by INAC in its submissions. Mr. Shingoose notes that there continues to be a cumulative deficit of \$1.2 million and states that it is inadequate meet the agency's needs, particularly in respect of prevention. The offer that INAC has made to First Nations delegated agencies

(referenced in paragraph 7) would provide Yorkton with an opportunity to clarify and share further information about its actual needs and distinct circumstances in support of these activities. INAC commits to ongoing work with its partners, including Yorkton Tribal Council Child and Family Services Inc., to gather information about agency needs in Saskatchewan through tripartite and other regional engagement activities (as outlined in paragraphs 20 and 21 above).

35. In response to the Affidavits of John Loxley and Jonathan Thompson expressing their concerns about INAC's ability to analyze the information received on agency needs, INAC will be seeking expert assistance in the interpretation of this information. INAC is also gathering information about agency needs through engagement in the regional tripartite tables and the National Advisory Committee.
36. In response to the Affidavit of Dr. Cindy Blackstock regarding agency deficits at Mi'kmaw Family and Children's Services of Nova Scotia (paragraph 32), INAC provided the agency with \$400,000 in immediate relief as per Budget 2016 calculations, as well as an additional \$5.1 million to respond to their estimate of the funding required to cover pressures, including funding needs related to provincial legislative changes. Attached as **Exhibits 6 and 7** are copies of the agency's estimate of their needs and INAC's agreement with the agency to fund those needs.
37. In response to the Affidavit of John Loxley regarding funding calculations for Gitksan in British Columbia, the funding amount of \$1,356,388 (represents existing plus new funding at full implementation) was reached by inserting data for the agency into the funding calculation sheet. This total is then adjusted because of agency size and the phasing in of new funds over five years. With the adjustments that take place because of agency size, the total is \$1,291,968, at full implementation of Budget 2016 funding. To determine funding for year one (2016-17), new funding of \$215,347 (which is 40% of the allocation of new funding at full implementation of \$538,369) was added to the 2015-16 funding amount (\$737,384), resulting in an allocation of \$952,731. Based on discussions

at the regional level with Agency Executive Directors, additional funds were allocated to the agency, resulting in a 2016-17 budget of \$1,164,934. This amount is listed on the "immediate relief methodology" document distributed by the British Columbia region. Attached as **Exhibit 8** is a copy of this immediate relief methodology document.

38. In response to paragraph 4 of Dr. Blackstock's second Affidavit alleging that a particular document (attached as Exhibit A to her affidavit) had not been included in INAC's September 30, 2016 compliance report, this document was submitted as part of its October 31, 2016 compliance report (Annex G, page 78), as it was a product of a regional discussion.
39. In response to paragraph 40 of Dr. Blackstock's first Affidavit referencing a motion in the House of Commons calling for an investment of \$155 million in new funding for the delivery of child welfare services for First Nations children, Canada has invested an additional approximately \$95 million in funding for 2016-17. As outlined in paragraph 7, INAC is also seeking information from agencies about their actual needs and distinct circumstances to inform the reform of funding for the Program.

Medium and Long-Term Relief

40. In relation to immediate relief, INAC's Budget 2016 and additional investments have increased to approximately \$95 million for 2016-17 to respond to the Tribunal's orders to meet agency and other organizations' needs. With these new funds, all regions are now and will continue to be supported with prevention-based funding.
41. Longer-term reform will involve exploring the development of national standards and legislation, and models where First Nations assume jurisdiction over child and family services. INAC is also engaging with all its partners to gather evidence on how to address other gaps, such as capital needs, legal fees and remoteness. Engagement activities to inform agency funding reform will continue through

2017, including through the work of such partners as the National Advisory Committee. INAC requires input from its partners to make decisions on these funding items that will result in long-term improvements to support First Nation children, families and communities. In addition, INAC will be funding some community-based best practices on prevention and community wellness activities.

SWORN TO/AFFIRMED before me at
Matineau Province of
Quebec, this 25 day of
January, 2017

Kim Piché
A Commissioner for Taking Affidavits

Cassandra Lang
Cassandra Lang

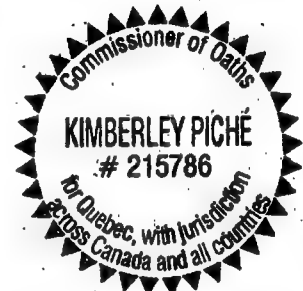


Tribunal File No. T1340/7008

This is Exhibit "1" referred to in the Affidavit
of Cassandra Lang, sworn before me on
January 25, 2017.

Kim Piché

A Commissioner for Taking Affidavits



Tribunal File No. T1340/7008

This is Exhibit "2" referred to in the Affidavit
of Cassandra Lang, sworn before me on
January 25, 2017.

Kim Piché

A Commissioner for Taking Affidavits



Tribunal File No. T1340/7008

This is Exhibit "3" referred to in the Affidavit
of Cassandra Lang, sworn before me on
January 25, 2017.

Kim Piché

A Commissioner for Taking Affidavits





October 28, 2016

Letter sent via electronic mail

Dear First Nations Child and Family Services Agencies (Executive Directors, Directors, and Managers,

In response to the January 26, 2016 Canadian Human Rights Tribunal decision and the Truth and Reconciliation Commission's Calls to Action, Indigenous and Northern Affairs Canada (INAC) has committed to reform the First Nations Child and Family Services Program (the Program) to address child welfare on reserve. To ensure that our work reflects the needs of all partners, we are engaging with First Nations, provincial and territorial partners, as well as service providers and other experts. We are looking forward to reaching out in the coming weeks to share information about our engagement approach and how we intend to connect with partners and stakeholders.

The purpose of this letter is to offer you two one-time funding opportunities as a part of the engagement and reform process. These two opportunities are available for each Agency and you may apply for one or both of those opportunities.

The funding opportunities are explained in more detail below but in summary are as follows:

Part 1) INAC will fund \$25,000 for you to provide INAC with information about your Agency's distinct needs and circumstances to inform our thinking on new funding approaches; and/ or

Part 2) INAC will fund up to \$75,000 to develop and implement culturally-based programs and tools for the community (ies) that your Agency serves.

INAC is aware that many agencies are already working in partnership to determine how to address their needs and circumstances as well as to develop and implement culturally-based programs and tools. INAC will support agencies partnering together, and working with other First Nations organizations, to coordinate their participation in this process, given work underway, in various regions.

Part 1: Distinct needs and circumstances

As part of the engagement and reform process, INAC will be examining funding approaches that equip service providers to best address the needs of children and families in the communities they serve. As part of this process, INAC would like to invite you to provide information about your agency's distinct needs and circumstances, the associated costs to meet these needs, and the factors that impact the way you deliver child and family services. This information will help INAC to better understand the reality on the ground, and inform the path forward.



To support you to gather this information, INAC will provide \$25,000 for each agency through your regional INAC office. Please contact them directly. Ideally we would like to receive this information on your needs by June 30, 2017.

INAC is open to agencies describing their actual needs, and the funds required to meet those needs, as they know them best. Some examples of areas agencies may wish to provide information on include:

- 1) The agency's ability to provide prevention services and programs to maintain children safely in their family environment
- 2) The percentage of children in care and families in need in the communities served
- 3) Understanding what services are available in the community and the need for accessing services off-reserve
- 4) The prevention and post-care needs of children and families (e.g. cultural programming, early intervention, prevention, after care services.)
- 5) How remoteness and geographic isolation impacts an agency's ability to provide services (e.g. with respect to travel costs, higher costs of living, other additional costs)
- 6) The caseload ratios of protection and prevention workers needed to provide services and/or achieve results for communities
- 7) How to better understand and mitigate issues of recruitment, retention and training of agency staff
- 8) Needs and options for how best to operate a small agency
- 9) The scope and range of legal fees needed to support children in care
- 10) Building/ capital repair needs
- 11) Any other areas of need and/or particular circumstances you deem applicable to community needs in the area that you serve.

Part 2: Culturally-based programs and tools development and improvement


INAC will make available up to \$75,000 for each interested agency to support their development or updating and implementation of:

- a) A culturally-based vision for your programming and service work (e.g., Touchstones of Hope), and/or
- b) Culturally-based child and family service standards/ evaluation mechanisms, and/ or the delivery of programs, development of prevention tool-kits, best practices guides, etc.

This funding will be proposal-based and is available in either 2016-2017 or 2017-2018. Your regional INAC office will be pleased to provide you more detail. For reporting purposes, INAC is interested in receiving documentation that details your visioning work and/ or the program activities or practices work your agency has developed.

We continue to support your work providing child and family services rooted in a culturally respectful and community-based understanding for the needs of healthy children, families and communities as a whole. Throughout the broader Program reform engagement process, INAC will continue to gather information on agency needs and circumstances and want to ensure that we hear from all agencies and service providers. We welcome all suggestions for engaging at the community level that you may have.

Sincerely,

A handwritten signature in black ink, appearing to be 'Margaret Buist', written over a horizontal line.

Margaret Buist

C.c. Provincial or Yukon Government area(s) responsible for Child and Family Services

C.c. INAC Regional Director Generals



Le 28 octobre 2016

Lettre envoyée par courrier électronique

Chers organismes des services à l'enfance et à la famille des Premières Nations
(directeurs exécutifs, directeurs et gestionnaires),

Dans le but de répondre à la décision du Tribunal canadien des droits de la personne prise le 26 janvier 2016 ainsi qu'à l'appel à l'action lancé par la Commission de vérité et réconciliation, Affaires autochtones et du Nord Canada (AANC) s'est engagé à réformer le Programme des services à l'enfance et à la famille des Premières Nations (le Programme) afin de régler les enjeux reliés aux services de protection de l'enfance dans les réserves. Afin que nos travaux prennent en compte les besoins de tous les partenaires, nous consultons les Premières Nations, les partenaires provinciaux et territoriaux, les fournisseurs de services de même que d'autres spécialistes. Nous avons hâte de mettre en œuvre cette consultation au cours des prochaines semaines et partager l'information au sujet de l'approche que nous prendrons à cet égard, ainsi que la façon avec laquelle nous avons l'intention de communiquer avec les partenaires et les intervenants.

Le but de la présente lettre est de vous offrir, dans le cadre du processus de consultation et de réforme, deux possibilités de financement ponctuel. Ces deux possibilités sont offertes à tous les organismes; il vous est donc possible de présenter une demande pour l'une ou l'autre de ces possibilités de financement, ou les deux.

Les possibilités de financement sont expliquées plus en détail ci-dessous, en voici d'abord un résumé :

- 1) AANC offre un financement de 25 000 \$ pour que vous lui soumettiez des précisions sur les besoins et le contexte particuliers de votre organisme afin de guider sa réflexion sur de nouvelles approches en matière de financement;
- 2) AANC offre jusqu'à 75 000 \$ pour l'élaboration et la mise en œuvre de programmes et d'outils adéquats sur le plan culturel pour la ou les communauté(s) auxquelles votre organisme offre des services.

AANC est conscient que de nombreux organismes travaillent déjà en partenariat afin de déterminer comment répondre à leurs besoins et à leurs contextes particuliers ainsi que pour l'élaboration et la mise-en-œuvre de programmes et outils axés sur la culture. AANC aidera les organismes à collaborer avec d'autres organisations des Premières Nations afin de coordonner leur participation à ce processus, compte tenu des activités déjà en cours dans diverses régions.



1) Besoins et contexte particuliers

Dans le cadre du processus de consultation et de réforme, AANC examinera des approches de financement qui permettront aux fournisseurs de services de répondre le plus adéquatement possible aux besoins des enfants et des familles des communautés pour lesquelles ils offrent des services. Pour ce faire, AANC vous invite à fournir de l'information sur les besoins et le contexte particuliers à votre organisme, sur les coûts à assumer pour répondre à ces besoins et sur les facteurs qui ont des répercussions sur la façon dont vous fournissez les services à l'enfance et à la famille. Ces informations aideront AANC à mieux comprendre la réalité sur le terrain ainsi que la voie à suivre dans l'avenir.

Pour vous aider à recueillir ces informations, AANC, par l'intermédiaire de votre bureau régional, offre 25 000 \$ pour chaque organisme. Idéalement, nous aimerions recevoir l'information au sujet de vos besoins et contextes particuliers d'ici le 30 juin 2017.

Les organismes peuvent décrire leurs besoins réels, et les fonds requis pour satisfaire à ces besoins, puisque ce sont eux qui les connaissent le mieux. Voici des exemples d'informations que les organismes pourraient souhaiter soumettre :

- 1) La capacité de l'organisme à fournir des services et des programmes de prévention visant à maintenir les enfants dans un environnement familial sécuritaire.
- 2) Le pourcentage d'enfants pris en charge et de familles dans le besoin dans les communautés servies.
- 3) La connaissance des services offerts dans la communauté et le besoin d'accéder à des services hors des réserves.
- 4) Les besoins en matière de prévention et de soins ultérieurs à la prise en charge des enfants et des familles (programmes culturels, intervention rapide, prévention, services en soins ultérieurs, etc.).
- 5) Les répercussions de l'éloignement et de l'isolement géographique sur la capacité de l'organisme à fournir des services (coût des déplacements, coût de la vie élevé, autres coûts, etc.)
- 6) Les ratios de cas pris en charge par les travailleurs affectés à la protection ou à la prévention nécessaires pour fournir des services et/ou obtenir des résultats pour les communautés.
- 7) Les enjeux liés au recrutement, au maintien en poste et à la formation du personnel afin de mieux comprendre et atténuer les problèmes.
- 8) Les besoins des petits organismes et les meilleurs modes de fonctionnement pour eux.
- 9) L'étendue et la diversité des frais juridiques à assumer pour aider les enfants pris en charge.
- 10) Les besoins en matière de réparations aux bâtiments ou aux immobilisations.
- 11) Autre information liée aux besoins ou contexte particuliers des communautés pour lesquelles vous offrez des services.

2) Programmes et outils de développement et d'amélioration adéquats sur le plan culturel

AANC rendra disponible un montant pouvant s'élever jusqu'à 75 000 \$ pour chaque organisme afin de soutenir l'élaboration ou la mise à jour et la mise en œuvre :

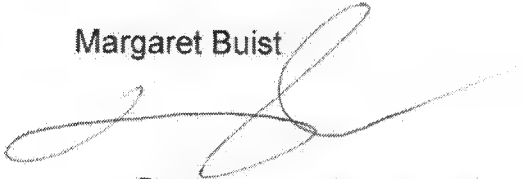
- a) d'une vision adéquate sur le plan culturel à l'égard des programmes et services offerts (par exemple, *Touchstones of Hope*); et/ou
- b) de normes de services ou de mécanismes d'évaluation des services à l'enfance et à la famille adéquats au plan culturel, et/ou la prestation de programmes, la création de trousseaux de prévention ou des guides sur les pratiques exemplaires, etc.

Il s'agit d'un financement axé sur les propositions, qui sera fourni en 2016-2017 ou en 2017-2018. Le bureau d'AANC de votre région se fera un plaisir de vous donner de plus amples renseignements. En ce qui concerne les fins de préparation de rapports, AANC souhaite recevoir des documents qui précisent votre vision et/ou les activités ou pratiques en matière de programmes que votre organisme aura élaborées.

Nous continuons de soutenir vos travaux en vue de fournir des services à l'enfance et à la famille qui découlent d'une compréhension globale des besoins des enfants, des familles et des collectivités, qui sont axés sur la communauté et qui respectent sa culture. Tout au long du plus vaste processus de consultation au sujet de la réforme du Programme, AANC continuera de recueillir de l'information sur les besoins et le contexte des organismes. Nous voulons nous assurer de connaître le point de vue de tous les organismes et de tous les fournisseurs de services. Nous accueillons toutes les suggestions au sujet de la consultation au niveau communautaire que vous souhaitez nous fournir.

Recevez, Madame/Monsieur, mes plus sincères salutations.

Margaret Buist



c.c. Gouvernements provinciaux et du Yukon, responsables des services à l'enfance et à la famille

c.c. Directeurs généraux régionaux d'AANC

Tribunal File No. T1340/7008

This is Exhibit "4" referred to in the Affidavit
of Cassandra Lang, sworn before me on
January 25, 2017.

Kim Piché

A Commissioner for Taking Affidavits



ANNEX "A"

STATEMENT OF WORK

REFORMING THE FIRST NATIONS CHILD AND FAMILY SERVICES PROGRAM

SW1 BACKGROUND

(a) File Background

First Nations child services is an extremely political, complex, and challenging area of public policy that involves a range of national and regional partners and organizations.

The First Nations Child and Family Services program must be reformed as part of reconciliation efforts, as called for by the Truth and Reconciliation Commission, and given the findings of the Canadian Human Rights Tribunal.

INAC has consistently underscored the necessity of engaging with First Nations (i.e. leadership and communities) and provinces/Yukon Territory in order to undertake reform of the First Nations Child and Family Services program. The Department's Children and Families Branch plans to engage nationally and regionally. At the national level, a Summit on Indigenous Child Welfare is proposed to be held in October 2016. Regional engagement is also necessary and will take into account differing political, legislative, and structural differences with respect to First Nations child and family services.

The Canadian Human Rights Tribunal has yet to provide a final ruling on remedies with respect to its January 26, 2016 Decision. The nature of the Tribunal's ruling on remedies cannot be predicted and may result in changes to Canada's approach going forward. However, there remains opportunity need to demonstrate concerted efforts at reconciliation and a commitment to authentic program reform.

(b) Status of Negotiation Services - At Start of Contract

Not applicable.

(c) Status of Negotiation Services - Current

Not applicable.

SW2 OBJECTIVE(S)

The Department's key objective is to engage with First Nation and provincial/Yukon Territory partners to develop options for reforming the First Nations Child and Family Services program in a manner that responds to both the Calls for Action set out by the Truth and Reconciliation Commission and the findings of the Canadian Human Rights Tribunal.

SW3 SCOPE OF WORK

3.1 The Contractor shall perform the Authority.

- 3.1.1 Lead specific interventions when political issues arise;
- 3.1.2 Lead federal consultations with third parties when sensitive issues are expected to be discussed;
- 3.1.3 In consultation with the federal negotiation team, provide strategic advice to the Minister and senior departmental management;
- 3.1.4 Provide strategic advice to the federal negotiation team;
- 3.1.5 Attend sessions, meetings at key times when highly sensitive issues are discussed and/or when important messages have to be delivered to the other parties;
- 3.1.6 Resolve deal breaker issues within the mandate provided by Cabinet, the Federal Steering Committee and the Minister;
- 3.1.7 Hold periodic meeting with Indigenous and provincial/territorial counterparts to assess overall progress on negotiations; and
- 3.1.8 Act as the federal spokesperson for enquiries from the media, in consultation with the Minister's office and/or the Communications Branch of the Department of Indigenous and Northern Affairs Canada, when so mandated under the terms of the Contract.

3.2 The Contractor shall perform the following specific roles according to the file and to the satisfaction of the Project Authority:

- 3.2.1 Act as direct link between the Department and First Nation political and advocacy organizations;
- 3.2.2 Provide advice, recommendations, and coordination in the execution of the Department's Engagement Strategy, which striving to assure partner INAC's approach to engagement;
- 3.2.3 Support engagement activities (e.g. meetings and discussion sessions), advise on research, and maintain key partnerships;
- 3.2.4 Undertake key planning and provide strategic support to the execution of a National Summit on Indigenous Child Welfare;
- 3.2.5 Channel information and decisions from the political and strategic levels to technical level officials to allow informed progress and action; and,
- 3.2.6 Facilitate linkages between regionally specific engagement (e.g. Regional Tripartite Tables and session) and the broader national dialogue (e.g. the National Advisory Council) while working to facilitate the functionality of these bodies.

SW4 OUTPUT/DELIVERABLES

During the current contract period, the Contractor shall:

- 4.1 Barring circumstances beyond the control of the parties to this Agreement, deliver:
 - 4.1.1 Achieve an initial consensus on how to engage on developing options for reforming the First Nations Child and Family Services program;
 - 4.1.2 Act as a member of the National Advisory Committee by both attending its meetings, and undertaking necessary work in support of this Committee;
 - 4.1.3 Attend and support other key regional and national stakeholder meetings that may occur to ensure forward momentum and tangible outcomes;
 - 4.1.4 Report on meetings held with partners, as well as other interested parties, outlining key outcomes of said meetings as they relate to reforming the First Nations Child and Family Services program;
 - 4.1.5 Provide regular recommendations to the Department, as pertinent and based on ongoing engagement, on interim measures that can be taken to address programmatic issues in advance of full-scale reform;
 - 4.1.6 Communicate outcomes of engagement and progress on developing options to partners and stakeholders to assist in confirming what has been heard; and,
 - 4.1.7 Guide, inform and take part in the development of a final report outlining actionable options for reforming the First Nations Child and Family Services program, sensitive to the rulings of the Canadian Human Rights Tribunal, the Truth and Reconciliation Commission's Calls to Action, and the federal/provincial/territorial considerations of child and family services on and off reserve.
- 4.2 Upon request of the Project Authority, submit short written reports on: meetings, summaries of Member of Parliament briefings, media interviews and enquiries from key stakeholders in the quantities, formats and on the deliverable dates specified ;
- 4.3 Upon request of the Project Authority, provide proposed key accomplishments and plans for the next month in the written monthly activity report;
- 4.4 Provide monthly invoices which include:
 - 4.4.1 Itemized monthly activity reports indicating numbers of hours spent daily on each activity - such as person(s) consulted, meetings attended, time spent on travel status, research and preparation work undertaken, engagement discussion sessions conducted and reports written;
 - 4.4.2 A summary of eligible expenses and accompanying receipts; and,
- 4.5 When requested by the Project Authority, complete and submit a Federal Negotiator or Representative Performance Report – Part 1, Contractor's Self-Evaluation on Results to Date, as part of Annual table review process

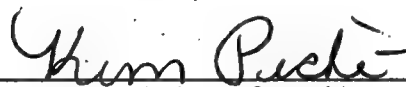
SW5 DEPARTMENTAL SUPPORT

The Project Authority shall:

- 5.1 Provide relevant background material on reforming the First Nations Child and Family Services program to the Contractor and access to required Departmental documents;
- 5.2 Provide claims, self-government or other relevant policy material, briefings and ongoing policy support, as required, throughout the discussions/negotiations and access to those individuals with whom consultation is required;
- 5.3 Provide the Contractor a copy of the Indian and Northern Affairs Canada Media Relations Policy and Procedures; and
- 5.4 Provide a "Letter of Introduction" to the Contractor, as required, to be used for identifying himself or herself to third parties for fact-finding and other engagement activities and for obtaining government rates where they are offered individuals or firms working for the Government of Canada under contract.

Tribunal File No. T1340/7008

This is Exhibit "5" referred to in the Affidavit
of Cassandra Lang, sworn before me on
January 25, 2017.



A Commissioner for Taking Affidavits



TERMS OF REFERENCE
National Advisory Committee on
First Nations Child and Family Services (FNCFS) Program Reform

Purpose:

The purpose of these Terms of Reference is to set out the mandate, membership and roles and responsibilities of the National Advisory Committee.

Background:

1. The Joint INAC/AFN NAC met regularly from 2001-2008, primarily to oversee implementation of the National Policy Review's 17 Recommendations to the Minister of INAC on changes needed to the DIAND policy governing the FNCFS Program. In 2004 and 2005, the NAC produced three reports regarding the FNCFS Program known as the *Wen:De* reports.

2. On January 26, 2016, the Canadian Human Rights Tribunal ("the Tribunal") released its decision (2016 CHRT 2 "Decision") in *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada* ("the Complaint"). The Complaint had been filed in 2007. The Tribunal determined that the federal government discriminated against First Nations children on the grounds of race and national ethnic origin by failing to ensure substantive equality in the provision of child and family services for First Nations peoples. The Tribunal also found that the federal government's definition, policies and application of Jordan's Principle to be discriminatory. The Tribunal has retained jurisdiction over the matter and issued a subsequent order on April 26, 2016 (2016 CHRT 10). A further Tribunal order is pending.

3. The Tribunal ordered Aboriginal Affairs and Northern Development Canada (now Indigenous and Northern Affairs Canada ("INAC")), to cease its discriminatory practices and reform the First Nations Child and Family Services ("FNCFS") Program and the *Memorandum of Agreement Respecting Welfare Programs for Indians* applicable in Ontario ("1965 Agreement") to reflect the findings in the Decision. INAC was also ordered to cease applying its narrow definition of Jordan's Principle and to take measures to immediately implement the full meaning and scope of the principle. In 2016 CHRT 10, the Tribunal further clarifies that the order is to "immediately implement" not immediately start discussions to review the definition in the long term. The Tribunal further "orders INAC to immediately consider Jordan's Principle as including all jurisdictional disputes (this includes disputes between federal departments) and involving all First Nations children (not only those children with multiple disabilities). Pursuant to the purpose and intent of Jordan's Principle the government organization that is first contacted should pay for the service without the need for policy review or case conferencing before funding is provided." In 2016 CHRT16, the Tribunal further noted that Jordan's Principle applies on and off reserve and ordered INAC to immediately implement several measures regarding child and family services funding.

4. INAC has committed to working with First Nations leadership and

organizations; child and family services agencies; front-line service providers; the parties to the Complaint; and other stakeholders, on steps towards FNCFS Program reform and meaningful change for First Nations children and families.

5. The Tribunal has deferred consideration of medium- to long-term relief until its consideration of immediate relief has concluded. In their submissions to the Tribunal, both the AFN and the Caring Society sought the establishment of a joint policy development initiative between INAC and the Complainants to reform the FNCFS Program, and which also may guide the Tribunal in determining appropriate Orders on mid-terms and long-term relief.

6. INAC has undertaken to immediately establishing and adequately resourcing a NAC, in order to begin the necessary and critical reform of the FNCFS Program. Establishing a NAC is a crucial first-step in addressing the medium to long-terms changes to the FNCFS Program.

Guiding Principles

7. The National Advisory Committee's process will be guided by the following principles:

- a. Consistent with the United Nations Convention on the Rights of the Child, the United Nations Committee on the Rights of the Child General Comment 11, the United Nations Declaration on the Rights of Indigenous Peoples and the TRC's Calls to Action, the best interests and well-being of First Nations children will be paramount.
- b. Federal, provincial/territorial and First Nations' decision-making processes must be respected.
- c. Involvement of community, parents, and extended family as a corner stone of effective and culturally based child and family services.
- d. INAC and other federal government departments engaged in the provision of services to First Nations children and families have a legal obligation not to discriminate against those children and families.
- e. Policies, programs and services must be responsive and relevant to the distinct needs of children and to community needs and realities.
- f. Whenever possible, families have the right to stay together. All services and preventative measures ought to be exhausted before a child is removed from the family.
- g. First Nations have an interest in the well-being of all of their members, regardless of where they live.

Mandate

8. The NAC is mandated to provide advice, input into the design and assist in the development of reforms of First Nations child and family services policies and programs on-reserve to First Nations leaders and agencies and the Minister of INAC. The NAC shall review across-the-board reforms, including federal government authorities, policies and practices, to the national framework to support FNCFS Agencies, the greater needs of First Nation children, each First Nations community's cultural vision of safe and healthy children and families, provincial/territorial variances, and mechanisms to ensure communication, accountability and dispute resolution.
9. The National Advisory Committee will provide advice on future reforms to the First Nations Child and Family Services Program in a way that promotes the safety and best interests of First Nations children, taking account of the distinct needs and circumstances of First Nations children and families – including historical and ongoing disadvantage and their cultural, linguistic and geographical needs and circumstances – in order to ensure substantive equality in the provision of child and family services to them.
10. Upon agreement by the members of NAC, NAC may select and retain experts to assist it in its work, on an as-needed basis. Preference will be given to experts with demonstrated expertise regarding First Nations child and family services.
11. In addition, the NAC may establish working groups to further the goals, work and objectives of NAC, as appropriate.
12. The NAC will address, but will not be limited to, the elements of the current FNCFS Program. The NAC can provide advice to assist in the reform of the program on an interim basis throughout its term as well as producing reports or research as it sees fit.
13. The NAC's deliberations, and the information provided to and/or produced by the NAC, will be made available to the public.
14. The copyright of materials produced at the direction of the National Advisory Committee will be determined within the individual service contracts. Members of the NAC and participating member organizations respect the intellectual and moral property rights regarding Indigenous cultures, languages and traditional knowledge. All research will be conducted in keeping with the OCAP research principles (Ownership, Control, Access and Possession) and observe ethics review processes, including First Nations research ethics boards where they operate.
15. INAC agrees to provide documentation on an ongoing basis of all CFS and Jordan's Principle documents, reports, data, budgets and policies that it is legally able to provide to the NAC and the NAC will be provided with copies of documents requested (including portions of documents that are not redacted), in a timely manner, to enable the NAC to complete its work and mandate.

16. The members of the Committee agree to work together to achieve the mandate of the Committee and to collectively provide recommendations for the program reform of the FNCFS program.

Term of the NAC

17. The NAC will commence its work in January 2017 and will complete its recommendations by January 31, 2018. Extension of time will be agreed to by the members of the Committee.

Membership

18. The National Advisory Committee will be composed of the following members:

- a. One (1) national chair;
- b. Three (3) representatives of the Federal Government including one or more regional INAC representatives;
- c. One (1) representative of the AFN;
- d. One (1) representative of the First Nations Child and Family Caring Society of Canada;
- e. Ten (10) FNCFS Agency Directors, one representative from each of AFN's regions;
- f. One (1) First Nation youth representative; and
- g. One (1) First Nation Elder(s) representative.

19. The ten (10) FNCFS Agency Director, youth and elder members will be selected by the AFN through its ordinary processes.

20. INAC will provide adequate funding that is necessary for the NAC to complete its work, activities and mandate.

21. The National Advisory Committee will be chaired by a person agreed to by INAC, the AFN, and the First Nations Child and Family Caring Society of Canada.

22. By consensus representatives of the Provinces and Yukon Government may be invited to participate in the NAC's work, in order to provide assistance to the NAC and its members.

23. The Canadian Human Rights Commission may participate as an interested party.

Responsibilities of the National Advisory Committee

24. The Committee will be responsible for:

- a. Making recommendations, input into the design and assist in the development of FNCFS Program reform(s).
- b. Making recommendations on the design of engagement processes to assist in developing approaches for reform.
- c. Providing an advisory and support role to existing regional tables in the

- engagement processes and supporting the development and operation of regional tables in regions where they do not currently operate.
- d. Developing mechanisms for sharing information of the work and the activities of NAC, including with First Nations and Provincial Territorial Organizations, as appropriate.
 - e. Developing and providing approval of a work plan for the work of the committee and the work of any advisory or expert working groups
 - f. Overseeing processes for decision making, and recording decisions, understandings and minutes of NAC meetings.
 - g. Making recommendations regarding implementation activities and following-up as appropriate.

Operating Principles

- 25. The NAC will operate on the basis of consensus and any dispute will be resolved by the Chair, with the assistance of an Elder.
- 26. The costs for representatives of FNCFS Agencies to participate in the work of the NAC shall be borne by the NAC.

Canadian Human Rights Tribunal (Tribunal)

- 27. These Terms of Reference shall be filed with the Tribunal. The Committee shall provide reports and/or minutes of its meetings to the Tribunal as long as the Tribunal retains jurisdiction over the complaint or until it orders otherwise or the parties to the complaint agree otherwise.

ANNEX A

Suggested Topics to be addressed by the National Advisory Committee (to be discussed once Committee is fully formed)

The National Advisory Committee may address the following elements of the FNCFS Program:

A. General

- i. Jurisdictional models eligible for funding under the FNCFS Program
- ii. General funding structure, stacking provision considerations, and considerations of eligible costs including funding arrangements between INAC and Provinces/Territories and non-Aboriginal service providers.
- iii. Provisions for First Nations children not served by a FNCFS Agency to ensure comparable and culturally appropriate services.
- iv. Provisions for extraordinary costs related to unusual occurrences that engage higher child welfare costs such as natural disasters, substantial increases in mental health or substance misuse, and unusual requirements for mandatory staff participation in inquiries.
- v. Provisions for organizational networking and learning to promote the sharing of research and best practices among FNCFS Agencies.
- vi. A process for economically modelling revisions to funding policy and formula and evaluating the efficacy of such changes on an ongoing basis to ensure they are non-discriminatory and safeguard the best interests of the children.
- vii. A funding structure that takes into account costs related to historic disadvantage and distinct cultures and languages of First Nations.
- viii. FNCFS Agency staff salaries, benefits, and training.
- ix. Training for public servants involved in the FNCFS Program to ensure proper training for management of the program, including professional development on child development, First Nations cultures/histories, the Truth and Reconciliation Commission, and the history of the FNCFS Program including the Tribunal decisions.
- x. Creating a new definition of "neglect" that takes into account First Nation norms, values and culture.
- xi. Mechanisms for ensuring that reforms do not reduce current funding levels or numbers of arrangements for FNCFS Agencies.

- xii. Levels of service provided by FNCFS service providers and INAC reporting requirements imposed on FNCFS service providers should be comparable to the level of service provided by or imposed on provincial territorial governments and not pose an undue burden on agency staff .
- xiii. FNCFS funding agreements should promote long term planning, sustainable service provision and evaluation.
- xiv. FNCFS services should be based on effective First Nations models, including jurisdictional models, for the design, delivery and evaluation of First Nations Child and Family Services and on sharing information and effective practices.
- xv. FNCFS service providers serving small populations of eligible children should receive sufficient resources to allow them to provide culturally appropriate services that are comparable to those provided by FNCFS service providers serving large populations of eligible children.
- xvi. FNCFS funding for service providers serving more than 1000 children in care must account for the full population served.
- xvii. There are to be no reductions or further restrictions in the level of FNCFS funding for any agency.
- xviii. INAC approval criteria and processes for the development and operation of new First Nations child and family service agencies.
- xix. First Nations efforts to exercise jurisdiction and/or initiatives to create separate self-governing child welfare regimes are to be supported and acknowledged
- xx. The Touchstones of Hope framework for the design and implementation of community based visions of child safety and wellbeing.

B. Creation of a new FNCFS regime

- i. Creation of a new FNCFS regime to fully replace the existing programs and services.
- ii. New regime shall consider the distinct needs and circumstances of First Nations children and families living on-reserve, including their cultural, historical and geographical needs and circumstances.
- iii. Program shall address the higher service needs of First Nation children resulting from intergenerational impacts of Indian Residential School and effects of colonization, along with higher costs to deliver those services

- iv. Ensure substantive equality in the provision of child and family services to First Nations children and families living on-reserve.
- v. Develop enhanced funding mechanisms to ensure isolated, remote and northern communities serviced by agencies will be provided with equitable services and a full range of programs offered elsewhere.

C. Maintenance

- i. Calculation of yearly maintenance.
- ii. Appeal mechanisms regarding eligible maintenance expenses.
- iii. Reimbursement of legal costs.
- iv. Funding of support services intended to reunite children in care with their family.

D. Operations

- i. Baseline assumptions of children in care for funding of FNCFS Agencies.
- ii. Mechanisms to account for historical and ongoing inflation losses and annual adjustments going forward to ensure FNCFS Agency funding keeps pace with inflation.
- iii. Corporate legal costs and costs for liability claims.
- iv. Funding of remote agencies and agencies in urban areas to account for higher operations and maintenance costs.
- v. Funding for records management, policy development and human resources management, liability insurance, audits, janitorial services, and security.
- vi. Funding of costs related to the receipt, assessment and investigation of child welfare reports for all FNCFS Agencies that hold delegation for these functions including costs for after-hours service delivery.
- vii. Funding of capital costs that takes into account increased need due to augmentation of prevention staff, services, and programs, and to ensure that buildings, computers, and vehicles meet the applicable safety regulations, are child safe, accessible by persons with disabilities, and support comparable child and family services.
- viii. Funding of emergency repairs and maintenance of buildings.
- ix. Funding for staff travel and travel costs related to children and families receiving child welfare services.

- x. Definition of eligible child.
- xi. Any changes to the funding structures to FNCFS Agencies or their reporting requirements.

E. Prevention Funding

- i. Funding for the adequate and sustained provision of primary, secondary, and tertiary prevention services.
- ii. Funding for the development, operation and evaluation of culturally-based prevention programs and reforms based on those evaluations.

F. Jordan's Principle

- i. An approach to implement the full meaning and scope of Jordan's Principle in compliance with the CHRT orders across all children, all jurisdictional disputes and all federal services ensuring no delays in service provision related to the child's First Nations status.
- ii. The creation of a non-discriminatory, accessible and transparent process for reporting of federal Jordan's Principle cases.
- iii. The creation of non-discriminatory and transparent assessment criteria and assessment processes for reports of federal Jordan's Principle cases.
- iv. The creation and implementation of an independent appeal process for federal Jordan's Principle cases.
- v. Recommending mechanisms and required resources for public education regarding Jordan's Principle among First Nations, FNCFS Agencies, federal/provincial/territorial government officials and other stakeholders (such as: health professionals, teachers, and early childhood educators).

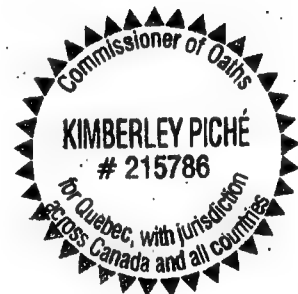
G. Accountability

- i. The creation of an independent permanent expert structure with the authority, resources and mandate to monitor and publicly report on INAC's performance in maintaining non-discriminatory and culturally-appropriate First Nations child and family services and in fully implementing Jordan's Principle.
- ii. The creation of a mechanism to act as a national and publicly accessible repository for all non-privileged information relevant to the provision of FNCFS services.
- iii. All proposed reforms will be presented to the AFN Chiefs-in-Assembly for consideration, discussion and input.
- iv. INAC shall carry out its duty to consult with first Nation governments and accommodate any First Nation interests with regard to any final proposal for program reform.
- v. Training and capacity building for INAC and other federal government officials to ensure non-discriminatory, culturally based and equitable child and family services and implementation of Jordan's Principle.

Tribunal File No. T1340/7008

This is Exhibit "6" referred to in the Affidavit
of Cassandra Lang, sworn before me on
January 25, 2017.

Kim Piché
A Commissioner for Taking Affidavits



DRAFT - for discussion

	Operations	Maintenance	Prevention	F2017 Total	Notes	F2018 Total
Maintenance		\$ 10,636,000		\$ 10,636,000	1	\$ 11,149,000
Prevention Programming			\$ 1,500,000	\$ 1,500,000	2	\$ 1,530,000
Legal			\$ 490,000	\$ 490,000	3	\$ 1,030,000
Other Direct Program	\$ 520,000			\$ 1,010,000	4	\$ 1,193,000
Salaries and Benefits	\$ 30,000		\$ 1,140,000	\$ 1,170,000	5	\$ 9,557,000
Salaries and Benefits - changes in legislation	\$ 9,279,000			\$ 9,279,000	6	\$ 1,687,000
Salaries and Benefits - 3rd office	\$ 826,000			\$ 826,000	7	\$ 345,000
Travel	\$ -			\$ -	8	\$ 1,367,000
Training and Conferences	\$ 1,015,000			\$ 1,015,000	9	\$ 422,000
Office Rental Space	\$ 355,000			\$ 355,000	10	\$ 677,000
Professional Fees	\$ 223,000			\$ 223,000	11	\$ 156,000
Professional Fees - legislation/additional advisory	\$ 153,000			\$ 153,000	12	\$ 150,000
Audit	\$ 100,000			\$ 100,000	13	\$ 20,000
Office and Admin	\$ 20,000			\$ 20,000	14	\$ 124,000
Telephone and Equipment	\$ 113,000			\$ 113,000	15	\$ 84,000
Insurance	\$ 70,000			\$ 70,000	16	\$ 52,000
Dues and fees	\$ 45,000			\$ 45,000	17	\$ 21,000
Board of Directors	\$ 20,000			\$ 20,000	18	\$ 142,000
Office renovations - Indian Brook	\$ 139,000			\$ 139,000	19	\$ -
Office Equipment - teleconferencing eqmt	\$ 175,000			\$ 175,000	20	\$ 20,000
Office Equipment - Eskasoni	\$ -			\$ -	21	\$ 300,000
Office Equipment - 3rd office	\$ -			\$ -	22	\$ 50,000
Current Budget						
INAC CFS	\$ 13,083,000	\$ 10,636,000	\$ 3,130,000	\$ 26,849,000		\$ 30,076,000
Province of NS	\$ 8,300,000	\$ 6,500,000	\$ 3,130,000			
Child Tax Credit	\$ 280,000	\$ 2,104,000				
HST and Sundry	\$ 250,000	\$ 1,008,000				
	\$ 8,830,000	\$ 9,612,000	\$ 3,130,000	\$ 21,572,000		\$ 21,572,000
			Required additional funds -2016/17	\$ 5,277,000		\$ 8,504,000
			Less the one time payments	\$ 175,000		\$ 370,000
			Required additional funds -2016/17 (excluding one time pymts)	\$ 5,102,000	2017/18	\$ 8,134,000

Released under the Access
to Information Act

Communiqué en vertu de la
Loi sur l'Accès à
l'information

DRAFT - for discussion

Notes:

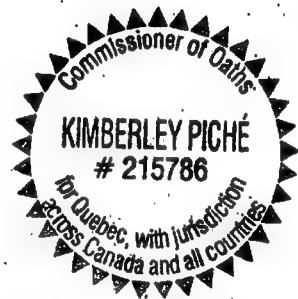
Based on F2016 maintenance costs + increase YOY of approx 5% plus additional expected costs for high special needs children (i.e. Jordan's Principle) and for maintenance costs in relation to changes in legislation for 16-19 year olds. For F2018 - 2% increase YOY + full year for changes in legislation for 16-19 year olds (based on 20 children at an average cost of \$20,000 = \$400,000 as an estimate on an annualized basis). Note that F2016 actual for maintenance and provincial settlement = \$6.7 million + 2.2 million = \$8.9million + increase in maintenance for high special needs children 1 and other expected increases in costs of \$1.6 million + \$100,000 for 16-19 year olds = \$10.6 million.
2 For costs related to supervision and early intervention; increase of 2% YOY for F2018
3 Legal costs based on actual costs for F2016 + YOY increase of 10% (in case changes in legislation increase this cost as well). Budgeted the same for YOY increase for F2018.
Other direct programming for operational includes foster family support budget of \$30,000 and for prevention includes the budget for all programming costs for prevention budget for supervision and 4 EI. For F2018, budgeted 2% increase YOY.
Salaries and benefits includes all salaries and benefits (exclusive of the healing centre) for current staff only. For F2018, budgeted a 3% increase for COL increases as well as for those increases 5 related to performance.
6 Additional staff for changes in legislation - see separate spreadsheet for details.
Salaries and benefits for 3rd office to service southern end of the Province - these salaries and benefits are based on the following 5 positions - supervisor, social worker, case aid, family group 7 conference and administrative support
Travel is based on estimated \$703,000 for current staff for F2017 and then add additional travel for positions created for changes in legislation of approx \$312,000 for those hired to the end of F2017 8 and then add a full year for F2018 (see separate spreadsheet on changes in legislation for further details).
Training and conferences is based on estimate for F2017 of \$300,000 (actual for F2016 was \$362,000 based on additional conference costs) + adding additional \$55,000 for additional staff due to 9 changes in legislation to the end of F2017. For F2018, projected 2% increase YOY + additional costs for changes in legislation for full year F2018
Office rental space include the following expenses: office rental, electricity and repairs and maintenance. For F2017, includes office rental of Eskasoni trailers of \$25,000, electricity of \$52,000 and projected Eskasoni new temporary office space, insurance, equipment of \$39,000 to the end of F2017. For F2018, includes a projected YOY increase of 2% plus a year of temporary office space for 10 Eskasoni, rent for the new Eskasoni office location of \$400,000 and rent for 3rd office location of approximately \$60,000 including utilities.
11 Professional fees budget for F2017 based on \$153,000 budget; YOY increase for F2018 of 2%
Professional fees - changes in legislation for F2017 relates to CFSA Working Group Committee reviewing changes in legislation and impact up to the end of F2017. For F2018, \$150,000 is an estimate based on continued review of legislation and consulting fees expected to be incurred for additional advisory needed out of the legislative changes - see additional details on separate spreadsheet for 12 changes in legislation impact to budget.
13 Estimated audit fees expected to be consistent YOY for F2017 and F2018 at \$20,000 per year.
Office and admin include the following expenses: advertising and promotion, equipment leases, general and misc, interest and bank charges, library and resource materials, office supplies and stationery, postage and delivery. F2017 budget based on F2016 actuals with a small YOY increase and F2018 increase based on 10% increase due to increased staffing due to changes in legislation, 14 and 3rd office opening. Includes additional \$10,000 in costs associated with increased advertising/communication with changes in legislation.
Telephone and equipment based on F2016 actual with a small YOY increase for staffing increase due to changes in legislation. F2018 projection includes 20% increase due to 3rd office and increased 15 staffing due to changes in legislation (i.e. cell phone)
Insurance based on F2016 actual with small YOY increase for F2017 budget. For F2018 budget, projected 15% increase for regular insurance premium increase, 3rd office as well as larger insurance 16 coverage for new Eskasoni office.
17 Dues and fees based on F2016 actual. Expected not to fluctuate too much YOY. Projected 5% increase for F2018 for increase associated with changes in legislation
Board of Directors travel / attendance at meetings based on F2016 actual with increase 10% YOY for F2017 and 2% for F2018 due to additional meetings which may be expected due to the changes in 18 legislation.
Based on best quote received for renovations of \$135,900 + additional equipment costs of \$29,500 (telephone/IT lines (19 drop boxes x \$500 \$9,500), additional desk/equipment/printer/storage 19 cabinets/cases (\$20,000); moving of current furniture to basement location, other costs (other additional costs outlined as part of the quote - \$9,800)
Teleconferencing equipment to be used by management and legal to attend meetings/teleconferences rather than drive to attend meetings/teleconferences in other locations. This is teleconferencing 20 equipment for both the Indian Brook and Eskasoni office locations and includes the equipment and installation costs.
21 Approximate cost for office equipment for new Eskasoni building
22 Approximate cost for office equipment for new 3rd office

Tribunal File No. T1340/7008

This is Exhibit "7" referred to in the Affidavit
of Cassandra Lang, sworn before me on
January 25, 2017.

Kim Piché

A Commissioner for Taking Affidavits



NOTICE OF BUDGET ADJUSTMENT

RECIPIENT NAME: MI'KMAW FAMILY & CHILDREN'S SERVICES OF NOVA SCOTIA

AGREEMENT NO.: 1617-AT-000014

FISCAL YEAR: 2016-2017

NOBA NO.: 0005

1. The purpose of this notice
 - 1.1 The Government of Canada and the MI'KMAW FAMILY & CHILDREN'S SERVICES OF NOVA SCOTIA (the "Recipient") entered into a Funding Agreement effective on the 1st day of April, 2016 (the "Agreement").
 - 1.2 Section 15 (Changes in funding affecting the amount payable - ~~adjustment factor~~) of the Agreement requires the Department of Indian Affairs and Northern Development (DIAND) to send a Notice of Budget Adjustment to the Recipient when the amount of DIAND funding to be provided under the Agreement changes according to an ~~adjustment factor~~ set out in "Annex 2 - Program, Services and Activity Delivery Requirements and ~~Adjustment Factors~~ - DIAND Funding of the Agreement.
 - 1.3 The amount of DIAND funding for fiscal year 2016-2017 identified in "5.0 - Annex A to FED-1" will be **increased in the amount of five million, one hundred two thousand dollars (\$5,102,000.00).**

Functional Area: NPD1 - MAINTENANCE-FOSTER HOMES - \$1,102,000.00
Functional Area: NPD3 - OPERATIONS - CFS - \$4,000,000.00
2. Notice
 - 2.1 The Department of Indian Affairs and Northern Development therefore notifies the Recipient that in accordance with section 15.1 of the Agreement:
 - (a) Section 1.1 of "Annex 3 - Conditions of Payment - DIAND Funding" of the Agreement is deleted and replaced by the following section 1.1:
 - (b) "Annex 4 - Payment Plan" of the Agreement is deleted and replaced with "5.0 - Annex A to FED-1- Adjustment Detailed Report" attached to this notice.

SIGNED ON May 11/16
by the Department of Indian Affairs and
Northern Development's authorized representative:

Sabrina Robinson
Authorized Representative

1.0 - Program/Service Budgets, Authorities and Schedule of Monthly Payments Plan

As of 2016/11/14

Arrangement #: 1617-AT-00014

Arrangement Type: FA - OTHER

Recipient: 9006 - MICHAMAW FAMILY & CHILDREN'S SERVICES OF NOVA SCOTIA

DEPARTMENT OF INDIAN AND NORTHERN AFFAIRS CANADA

Fiscal Year: 2016-2017

Seq.	01 APR	02 MAY	03 JUN	04 JUL	05 AUG	06 SEP	07 OCT	08 NOV	09 DEC	10 JAN	11 FEB	12 MAR	Pool	Holdback	Allocation Total \$
FIXED CONTRIBUTION FUNDING (FIXED)															
PROGRAM ACTIVITY / FUNCTIONAL AREA GROUP / FUNCTIONAL AREA															
Indian Government Support															
Program Activity: GOV A INSTITUTE OF GOVT - 90400															
Functional Area Group: MAND EMPLOYEE BENEFITS - 04108															
Functional Area: PENSION PLAN ADMINISTRATION - NISAL (A0000 - DEFAULT ACCOUNT) (2017/2018)															
001	1,214.00	1,214.00	1,214.00	1,214.00	1,214.00	1,214.00	1,214.00	1,214.00	1,214.00	1,214.00	1,214.00	1,214.00	0.00	0.00	14,568.00
PROGRAM ACTIVITY / FUNCTIONAL AREA GROUP / FUNCTIONAL AREA															
Social Development															
Program Activity: SOCIAL DEVELOPMENT - SP200															
Functional Area Group: CHILD AND FAMILY SERVICES - P3001															
Functional Area: MAINTENANCE-FOSTER HOMES (Initial Allocation) - NPD1 (A0000 - DEFAULT ACCOUNT) (2017/2018)															
001	541,087.00	541,087.00	541,087.00	541,087.00	541,087.00	541,087.00	541,087.00	1,276,307.00	653,487.00	953,487.00	1,214.00	1,214.00	0.00	0.00	7,802,000.00
PROGRAM ACTIVITY / FUNCTIONAL AREA GROUP / FUNCTIONAL AREA															
Social Development															
Program Activity: SOCIAL DEVELOPMENT - SP200															
Functional Area Group: CHILD AND FAMILY SERVICES - P3001															
Functional Area: OPERATIONS - CPS (Initial Allocation) - NPD3 (A0000 - DEFAULT ACCOUNT) (2017/2018)															
001	891,087.00	891,087.00	891,087.00	891,087.00	891,087.00	891,087.00	772,560.00	3,389,110.00	1,055,870.00	1,055,870.00	1,055,870.00	1,055,870.00	0.00	0.00	12,485,208.83
PROGRAM ACTIVITY / FUNCTIONAL AREA GROUP / FUNCTIONAL AREA															
Social Development															
Program Activity: SOCIAL DEVELOPMENT - SP200															
Functional Area Group: CHILD AND FAMILY SERVICES - P3001															
Functional Area: PREVENTATIVE DISRUPTIVE MEAS (Initial Allocation) - NPD7 (A0000 - DEFAULT ACCOUNT) (2017/2018)															
001	545,006.12	280,833.00	280,833.00	280,833.00	280,833.00	280,833.00	280,833.00	280,833.00	280,833.00	280,833.00	280,833.00	280,833.00	0.00	0.00	3,418,078.12
PROGRAM ACTIVITY / FUNCTIONAL AREA GROUP / FUNCTIONAL AREA															
Social Development															
Program Activity: SOCIAL DEVELOPMENT - SP200															

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1.0 - Program/Service Budgets, Authorities and Schedule of Monthly Payments Plan

As of 2018/11/14

Arrangement #: 1817-AT-000014

Arrangement Type: FA - OTHER

Recipient: 8006 - MIYKMAW FAMILY & CHILDREN'S SERVICES OF NOVA SCOTIA

DEPARTMENT OF INDIAN AND NORTHERN AFFAIRS CANADA

Fiscal Year: 2016-2017

Seq.	01 APR	02 MAY	03 JUN	04 JUL	05 AUG	06 SEP	07 OCT	08 NOV	09 DEC	10 JAN	11 FEB	12 MAR	Post	Holdback	Allocation Total \$
Functional Area Group: FAMILY VIOLENCE - P3401															
Functional Area: EMERGENCY SHELTERS OPMS (Initial Allocation) - NPES (AS0006 - DEFAULT ACCOUNT) (2017/00091)															
001	60,824.00	60,824.00	60,824.00	60,824.00	60,824.00	140,288.48	78,164.00	78,163.87	78,162.00	78,162.00	78,162.00	78,162.00	0.00	0.00	821,309.43

TOTAL 2016-2017 FIXED CONTRIBUTION FUNDING (FIXED)

1,844,285.18 1,844,285.18 1,844,285.18 1,844,285.18 1,844,285.18 1,844,285.18 1,844,285.18 1,844,285.18 1,844,285.18 1,844,285.18 1,844,285.18 1,844,285.18 1,844,285.18 0.00 0.00 34,438,287.38

SET CONTRIBUTION FUNDING (SET)

PROGRAM ACTIVITY / FUNCTIONAL AREA GROUP / FUNCTIONAL AREA															
Indian Government Support															
Program Activity: GOV & INST OF GOVT - B0400															
Functional Area Group: BAND EMPLOYEES BENEFITS - 04100															
Functional Area: OPPORTUNISM-OTH ENPLR (Initial Allocation) - N00P (AS0009 - DEFAULT ACCOUNT) (2017/00091)															
001	5,997.00	5,997.00	5,997.00	5,997.00	5,997.00	5,997.00	5,997.00	5,997.00	5,997.00	5,997.00	5,997.00	5,997.00	0.00	0.00	87,187.00

PROGRAM ACTIVITY / FUNCTIONAL AREA GROUP / FUNCTIONAL AREA

Social Development															
Program Activity: SOCIAL DEVELOPMENT - B0000															
Functional Area Group: FAMILY VIOLENCE - P3401															
Functional Area: PREVENTION PROJECTS (Annual & 00091) - NPES (AS0009 - DEFAULT ACCOUNT) (2017/00091)															
001	50,000.00	0.00	0.00	0.00	0.00	0.00	50,000.00	0.00	0.00	50,000.00	0.00	0.00	0.00	0.00	200,000.00

TOTAL 2016-2017 SET CONTRIBUTION FUNDING (SET)

55,997.00 5,997.00 5,997.00 5,997.00 5,997.00 5,997.00 5,997.00 5,997.00 5,997.00 5,997.00 5,997.00 5,997.00 5,997.00 0.00 0.00 287,187.00

TOTAL 2016-2017 DEPARTMENT OF INDIAN AND NORTHERN AFFAIRS CANADA

1,899,577.18 1,891,882.18 1,891,882.18 1,891,882.18 1,891,882.18 1,891,882.18 1,891,882.18 1,891,882.18 1,891,882.18 1,891,882.18 1,891,882.18 1,891,882.18 1,891,882.18 0.00 0.00 24,708,614.38

TOTAL 2016-2017

As of 2018/1/14

GRAND TOTAL

24,708,414.36

2.0 - Cash Flow by Fiscal Year by Department As of 2018/11/14

Arrangement #: 1617-AT-000014
Arrangement Type: FA - OTHER
Recipient: 8008 - MUKOMAW FAMILY & CHILDREN'S SERVICES OF NOVA SCOTIA

Budget	Funding	2018-2017	Total
Department of Indian and Northern Affairs Canada	Flood Contribution	24,438,217.28	24,438,217.28
	Set Contribution	287,187.00	287,187.00
	Total	24,725,414.38	24,725,414.38
Total		24,725,414.38	24,725,414.38

3.0 - Cash Flow by Month and Year - ALL FUNDING by type and month

As of 2018/11/14

Arrangement #: 1817-AT-000014

Arrangement Type: FA - OTHER

Recipient: 9006 - NITKAW FAMILLY & CHILDREN'S SERVICES OF NOVA SCOTIA

Fixed Contribution

	April	May	June	July	August	September	October	November	December	January	February	March	April	Month	Total
2014-2017	1,841,280.12	1,559,205.00	1,549,205.00	1,546,205.00	1,556,205.00	1,643,046.46	1,604,415.00	5,005,817.87	2,020,566.00	2,020,566.00	2,020,566.00	2,020,763.83	0.00	0.00	24,438,247.39
Total	1,841,280.12	1,559,205.00	1,549,205.00	1,546,205.00	1,556,205.00	1,643,046.46	1,604,415.00	5,005,817.87	2,020,566.00	2,020,566.00	2,020,566.00	2,020,763.83	0.00	0.00	24,438,247.39

Set Contribution

	April	May	June	July	August	September	October	November	December	January	February	March	April	Month	Total
2014-2017	55,897.00	5,897.00	5,897.00	55,897.00	5,897.00	5,587.00	55,897.00	5,597.00	5,597.00	55,597.00	5,597.00	5,597.00	0.00	0.00	287,187.90
Total	55,897.00	5,897.00	5,897.00	55,897.00	5,897.00	5,587.00	55,897.00	5,597.00	5,597.00	55,597.00	5,597.00	5,597.00	0.00	0.00	287,187.90

4.0 - Cash Flow by Month - Current Year - All Funding by Month and Department

As Of 201811/14

This document is not available for multi-year NOBA

5.0 - Annex A to FED-1 - Adjustment Detailed Report

As Of 2016/11/14

Arrangement #: 1617-AT-000014

Arrangement Type: FA - OTHER

Recipient: 0000 - MITKMAW/FAMILY & CHILDREN'S SERVICES OF NOVA SCOTIA

DEPARTMENT OF INDIAN AND NORTHERN AFFAIRS CANADA

Fiscal Year: 2016-2017

Seq.	01 APR	02 MAY	03 JUN	04 JUL	05 AUG	06 SEP	07 OCT	08 NOV	09 DEC	10 JAN	11 FEB	12 MAR	Pool	Heldback	Allocations Total \$
FIXED CONTRIBUTION FUNDING (FIXED)															
PROGRAM ACTIVITY / FUNCTIONAL AREA GROUP / FUNCTIONAL AREA															
Social Development															
Program Activity: SOCIAL DEVELOPMENT - SP360															
Functional Area Group: CHILD AND FAMILY SERVICES - P3071															
Functional Area: MAINTENANCE-FOSTER HOMES (Initial Allocation) - NP01 (A0000 - DEFAULT ACCOUNT) (0617/03/31)															
001	0.00	0.00	0.00	0.00	0.00	0.00	0.00	734,640.00	91,630.00	91,630.00	91,630.00	91,630.00	0.00	0.00	1,102,000.00
PROGRAM ACTIVITY / FUNCTIONAL AREA GROUP / FUNCTIONAL AREA															
Social Development															
Program Activity: SOCIAL DEVELOPMENT - SP360															
Functional Area Group: CHILD AND FAMILY SERVICES - P3071															
Functional Area: OPERATIONS - CFS (Initial Allocation) - NP03 (A0000 - DEFAULT ACCOUNT) (2017/03/31)															
001	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,686,560.00	232,220.00	333,320.00	333,320.00	333,320.00	0.00	0.00	4,000,000.00
TOTAL 2016-2017 FIXED CONTRIBUTION FUNDING (FIXED)															
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,421,200.00	423,150.00	423,150.00	423,150.00	423,150.00	0.00	0.00	8,102,000.00
TOTAL 2016-2017 DEPARTMENT OF INDIAN AND NORTHERN AFFAIRS CANADA															
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,421,200.00	423,150.00	423,150.00	423,150.00	423,150.00	0.00	0.00	8,102,000.00
TOTAL 2016-2017															
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,421,200.00	423,150.00	423,150.00	423,150.00	423,150.00	0.00	0.00	8,102,000.00
GRAND TOTAL															
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,421,200.00	423,150.00	423,150.00	423,150.00	423,150.00	0.00	0.00	8,102,000.00

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Tribunal File No. T1340/7008

This is Exhibit "8" referred to in the Affidavit
of Cassandra Lang, sworn before me on
January 25, 2017.

Kim Piché

A Commissioner for Taking Affidavits



Allocation of HRT Immediate Relief Methodology for 2016-2017

Recommendation: May 12, 2016

CFS Agency	A.) 2015-2016 Total Ops Funding (Basic+Other+Transition)	B.) 2016-2017 Total Ops Funding (Basic + Other)	C.) 2016-2017 HRT Immediate Remedies Allocation (Includes Transition)	D.) 2016-2017 Total New Ops Allocation (B + C)
C3 Namgis	\$284,846	\$280,001	\$70,000	\$350,001
C3 Denisiqi	\$658,237	\$660,650	\$165,163	\$825,813
C3 Haida	\$356,766	\$362,553	\$90,638	\$453,191
C3 Heiltsuk	\$313,788	\$323,832	\$80,958	\$404,790
C4 Ayas Men Men	\$986,289	\$580,830	\$569,909	\$1,250,739
C4 Nezel Be Hunuyeh	\$364,352	\$374,005	\$425,374	\$799,379
C4 Carrier Sekani	\$1,393,822	\$972,567	\$695,761	\$1,668,328
C4 Nii/Tu.o	\$966,226	\$950,618	\$346,909	\$1,297,527
C4 Northwest Inter-Nation	\$1,021,046	\$812,232	\$281,138	\$1,093,370
C4 Gitksan	\$737,384	\$824,131	\$340,803	\$1,164,934
C6 Cowichan/Lalumutul	\$1,317,685	\$1,025,551	\$742,534	\$1,768,085
C6 Ustma Nuw Chan Nulth	\$1,569,950	\$1,074,015	\$738,085	\$1,812,100
C6 Secwepemc	\$918,949	\$738,874	\$772,166	\$1,511,040
C6 Ktunaxa Kinbasket	\$247,191	\$253,981	\$261,922	\$515,903
C6 Fraser Valley Aboriginal Society	\$1,467,014	\$935,379	\$680,427	\$1,615,806
C6 Kwumut' Lelum	\$1,059,987	\$1,137,913	\$688,499	\$1,826,492
C6 Nlha 7Kapmx	\$622,337	\$381,378	\$385,804	\$767,182
C6 Knuwewtwecw	\$499,894	\$370,595	\$408,890	\$779,485
C6 Secwemc	\$525,889	\$404,075	\$520,723	\$924,798
Bylaw Splatshin Stsmanit	\$330,271	\$68,807	\$383,697	\$472,504
Totals	\$15,641,923	\$12,552,117	\$8,749,400	\$21,301,517

Released under the Access to Information Act
Communiqué en vertu de la Loi sur l'accès à l'information

FNCFS Post-Budget 2016 Regional Funding profile

Year 1 (2016-2017) @ 40%	Year 2 (2017-2018) @ 60%	Year 3 (2018-2019) @ 80%	Year 4 (2019-2020) @ 100%	Year 5 (2020-2021) @ 100%
\$5,390,010	\$8,085,015	\$10,780,020	\$13,475,025	\$13,475,025

Note: The existing \$3.36M currently identified as Transition Funding will be provided each year in addition to the new FNCFS funding allocation

Docket: T1340/7008

CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and
ASSEMBLY OF FIRST NATIONS**

Complainants

-and-

CANADIAN HUMAN RIGHTS COMMISSION

Commission

-and-

**ATTORNEY GENERAL OF CANADA
(representing the Minister of Indigenous and Northern Affairs Canada)**

Respondent

-and-

**CHIEFS OF ONTARIO and
AMNESTY INTERNATIONAL CANADA**

Interested Parties

AFFIDAVIT OF DR. MICHAEL KIRLEW

**I, Dr. Michael Kirlew, of the Municipality of Sioux Lookout, in the Province of Ontario,
MAKE OATH AND SAY:**

1. I am a Community and Family Physician for Wapekeka First Nation ("Wapekeka"), a Staff Physician at the Sioux Lookout Meno Ya Win Health Center, as well as an Investigating

Coroner for Ontario's Northwest Region, and as such I have knowledge of the matters to which I herein depose.

I. PURPOSE OF SUPPLEMENTARY AFFIDAVIT

2. This affidavit is intended to bring to the attention of the Tribunal recent tragic events (January 2017) in the Nishnawbe Aski Nation ("NAN") community of Wapekeka, which are sadly reflective of a larger reality concerning the absence of mental health services for Indigenous children in need. Through this affidavit I will speak to my ten years of experience of providing medical care to the residents of Wapekeka and, in particular, I will speak to my experience with the challenges of obtaining much needed mental health services for the residents of Wapekeka, including children in care.
3. What is apparent from the experience in Wapekeka (as set out below) is that even when the Federal Government is presented with concrete credible solutions to support and rescue Indigenous children at risk, the current bureaucracy will not or cannot respond and children are dying as a result.
4. Tragically, in the early days of January 2017, Wapekeka First Nation lost two girls, who died by suicide. On January 8, 2017, Wapekeka lost 12-year old Jolynn Winter. Two days later, on January 10, 2017, Wapekeka lost 12-year old Chantel Fox. Wapekeka is currently in a state of crisis and on high-alert for other youth contemplating suicide.
5. I believe that these deaths were preventable.

II. INTRODUCTION

(A) Medical Training and Background

6. I have lived and practised medicine in northern Ontario for nearly ten years. I obtained my Doctorate of Medicine in 2005 and completed my Family Medicine Residency in 2007 at the University of Ottawa. Currently, I am an Assistant Professor at the Northern Ontario School of Medicine and I am the Director of Education for the Sioux Lookout First Nations Health Authority. Since 2012, I have served as the President of Medical Staff and as a Board Member of the Sioux Lookout Meno Ya Win Health Center. In addition to publishing academic articles on First Nations health issues, I also produce study review podcasts for family medicine residents across Ontario. In 2015, I received the Community Teacher of the Year Award from the Ontario College of Family Physicians. Attached to my affidavit as **Exhibit A** is a copy of my curriculum vitae which outlines my medical training, experience and current positions.

7. As part of my medical practice, I regularly travel to provide medical care to the residents of Wapekeka, staying approximately 3-5 days on a monthly basis. Our physician teams cover emergency services, the maternity ward, and in patient services for 29 First Nation communities within our catchment area. For continuity of care, physicians are assigned to a specific First Nations. I am assigned to Wapekeka. Over the past 10 years, I have developed a strong relationship with Wapekeka and have direct experience with the availability of health services in the community.

(B) Wapekeka Suicide Crisis in January 2017

8. As stated, in the early days of January 2017, Wapekeka lost 12-year old Jolynn Winter and Chantel Fox to suicide.

9. On January 19, 2017, I participated in a press conference in Ottawa to discuss the Wapekeka suicide crisis, alongside: Nishnawbe Aski Nation Grand Chief Alvin Fiddler; Grand Chief Jonathan Solomon of the Mushkegowuk Council; Assembly of First Nations National Chief Perry Bellegarde; Wapekeka Media Relations Liaison, Joshua Frogg; and, Member of Parliament for Timmins- James Bay, Charlie Angus.
10. A public letter from NAN's Grand Chief Alvin Fiddler, dated January 18, 2017, addressed to Prime Minister Trudeau, summarizes NAN's longstanding concerns regarding youth suicide in several NAN communities. This letter also summarizes the numerous community and regionally driven mental health initiatives, two of which specifically concern Wapekeka, which I discuss later in my affidavit. I am attaching a copy of this January 18, 2017 public letter to my affidavit as **Exhibit B**.
11. I believe that the recent suicide crisis in Wapekeka is yet another example of a preventable tragedy resulting in part from the lack of funding and lack of access to mental health services in Wapekeka.

III. WAPEKEKA FIRST NATION

12. Wapekeka is a remote Oji-Cree community located approximately 450 kilometres northeast of Sioux Lookout, Ontario, with an on-reserve population of approximately 350 people. Wapekeka is accessible only by air and seasonal winter road. Wapekeka is a community located within NAN territory.
13. Because this is not the first suicide crisis in Wapekeka, the community has been pro-active in proposing and organizing healing and suicide prevention resources. I am aware of the Survivors of Suicide ("SOS") initiative, which included a suicide prevention model and a

successful annual conference, hosted by Wapekeka. The SOS conference, which ran successfully for 22 years, brought together various communities and experts in the field of mental health. I presented at this conference for several years. In 2014, the funding for this conference was abruptly ended.

14. In July 2016, Wapekeka submitted a mental health proposal to Health Canada ("the July 2016 Proposal"), requesting funding for a mental health team based *within the community*. This mental health team would implement programming for both suicide prevention and intervention, alongside land based and cultural activities. I was not directly involved with crafting this proposal; however, I was aware of this proposal's existence and I hoped the July 2016 proposal would be funded as I believed it would provide critically needed mental health services where it is needed most - *within the community*. I have attached a copy of the Wapekeka's July 2016 Proposal to my affidavit as **Exhibit C**.
15. In the July 2016 Proposal, Wapekeka specifically identifies that the community has struggled with a long-standing history of youth suicide crises going back to a period of time between 1982-1999 when the community experienced 16 suicide deaths. In the same July 2016 Proposal, Wapekeka registered its concern at the loss of funding for the SOS conference, stating:

From 1982-1999, Wapekeka First Nation experienced 16 tragic deaths as a result of suicides in the community. Through community leadership and outside agency assistance a suicide prevention model, Survivors of Suicide (SOS), was developed. The SOS gathering was hosted in Wapekeka annually and was open to all other First Nations to attend. This gathering had been successful during its 22 years of operation, however, with funding cuts the program has not been offered for the last two years. The leadership in the community is very concerned about this program not continuing in the future as they have already identified many negative experiences since its sudden end. There has been a substantial increase in oxycontin and non-prescription drug abuse in the community. As well there have been many

suicide attempts by youth in the past year and it is believed that there is a suicide pact with a group of young females.¹ [emphasis added]

16. I am aware that this proposal did not receive funding from Health Canada. According to a CBC news article of January 19, 2017, Health Canada acknowledged it had received Wapekeka's July 2016 Proposal but that the proposal came at an "awkward time" in the federal funding cycle. When is it the right time to fund mental health proposals and protect other Indigenous children and families from suffering the same tragedy currently affecting Wapekeka? I am attaching a copy of this January 19, 2017 news article to my affidavit as **Exhibit D**.

17. In summary: we have a community with a *long-standing history* of youth suicide; we have a community that has attempted to proactively address this issue, in particular through the SOS program and most recently, through its July 2016 Proposal to Health Canada; and, we have a community whose specific requests for help and concrete proposals for action have been ignored. Now, in January of 2017, Wapekeka is dealing with the tragedy of having lost two more *children* and crisis teams have descended on the community yet again.

IV. IMPACT OF LACK OF MENTAL HEALTH SERVICES IN WAPEKEKA

18. Over my ten years of practising medicine in both Sioux Lookout and Wapekeka, I have observed that there is a significant difference between the level of mental health services available through the provincial health care system in rural/urban centers and the patchwork of mental health services available to Indigenous people living on reserve. Although I am

¹ See Page 5 of **Exhibit C** of my affidavit: Wapekeka's July 2016 Proposal

under no illusions that the provincial health care system is without its problems, the differences between the two systems, in terms of *access* to mental health care, is significant.

19. This lack of access to mental health care in Wapekeka arises from the following factors: firstly, there is a lack of mental health services available *within the community*; secondly, mental health services that are periodically flown into the community are too infrequent, more often reactive and not responsive to any emergent community need; and, thirdly, community driven proposals are ignored, defunded, or left unfunded, as already discussed above.
20. In a typical urban centre, a child could obtain mental health services through various avenues including via the education system, the health care system, or the child welfare system. In Wapekeka, all three systems mentioned above, suffer from significant gaps in services and inadequate funding, leading to a general lack of access to mental health services.
21. In Wapekeka, there are informal mental health supports (such as family members) and counsellors are flown up to Wapekeka periodically however the *frequency* of these counselling services is wholly inadequate, due to lack of funding for these services. The inadequate frequency of mental health services, however, is not the only problem. Throughout my practice, I have made several requests for *emergency* mental health services which were denied on the basis that a previously scheduled mental health service would be arriving in Wapekeka in a few days to a few weeks from the time of my request. The fact that my request was on an *emergency basis* seemed to have no bearing on the consideration of my requests.

22. There is also a lack of developmental resources in Wapekeka and this lack of developmental resources can lead to and/or compound mental health problems experienced by children and youth. For example, if a young child has a developmental need (such as occupational therapy, speech language therapy, etc.) these services are typically not available in Wapekeka. On exceptionally rare occasions, small organizations may fly up to Wapekeka to provide developmental services; however, these organizations are typically not funded well enough to make regular visits. This means that a child who requires developmental services has to travel outside of the community for both an assessment for the service and to access the actual service itself.
23. Funding for such travel is subject to the approval of Health Canada via the Non-Insured Health Benefits ("NIHB") program. In my medical practice, funding for travel for services that I have *medically assessed as being necessary* are routinely denied by NIHB. In some cases, I have been told that the service is not funded per the transportation policies of NIHB. In some cases, I have been told that without a medical diagnosis or without disclosing further personal medical information (raising significant privacy concerns) that the request would be denied. The individuals assessing travel requests are not medical professionals who are subject to the oversight of a regulating body such as the College of Physicians and Nurses. Rather they are federal bureaucrats who are in effect making decisions with real impacts to a person's medical health.
24. In the remote north, where in-community services are limited to non-existent and where travel to services outside of the community is the only available option, if you **control transportation, you control health care**. In my experience, NIHB routinely denies

transportation funding requests and, in effect, controls the access of people living in Wapekeka to much needed health care services outside of the community.

25. As a result, a child living on-reserve with developmental needs, requiring access to developmental resources (such as occupational therapy, speech language therapy, etc.), is at significant risk for having this need unmet. What happens to a child who cannot keep up at school due to a neglected developmental need? They fall behind. They struggle. They may be teased or bullied and become depressed and other mental health ailments can result. After years of suffering, some of these children commit suicide.
26. I have copies of two internal Health Canada documents, which were obtained via an access to information request. The first document is a memorandum to the Federal Minister of Health, dated February 15, 2016, which advises the Minister of Health about the Tribunal's January 2016 decision. I have attached a copy of this February 15, 2016 Memorandum to my affidavit as **Exhibit E**. This document notes that the Tribunal's January 2016 decision, while directed at INAC, implicates the entire federal government, and in particular Health Canada. The document notes that the Tribunal has found that there is a general lack of coordination and integration of health and social services for First Nation children and families, that there is jurisdictional ambiguity of services, in particular for mental health, and gaps related to services which are not covered under the NIHB program. This memo to the Health Minister states:

"The CHRT noted that INAC's FNCFS program cannot work in isolation as too many factors affect the overall need for child and family services. While not specifically referencing HC [Health Canada], INAC's efforts to reform their program will require improved linkages with health programs and services funded by HC. There may also be requests to provide additional health

services for children in care, such as mental health services, allied health supports, etc.”² [Emphasis Added]

27. The second internal Health Canada document is an undated document titled ‘Vulnerability to FNIHB Programming Resulting from January 2016 Canadian Human Rights Tribunal Decision’. This document includes a chart, containing Health Canada’s internal assessment of the risk exposure of each type of FNIHB Programming as a result of the Tribunal’s January 2016 decision. I have attached this document containing Health Canada’s internal risk assessment of FNIHB programming to my affidavit as **Exhibit F**. Notably, under the category of ‘health promotion and disease prevention’, Health Canada has labeled this a high risk category and itemises the fact that diagnostic services (such as occupational therapists, speech and language pathologists, pediatricians, psychiatrists/psychologist) “are not available and accessible to First Nations to the same degree as children living off-reserve” and that “[o]nce diagnosed, little support to the child/family is available within communities”³. Under the sub-category of Mental Wellness, the document states the following:

There is a shortage of mental wellness services for children in Canada generally with access more limited in remote and isolated communities. With respect to FN children, access is further limited due to higher needs; limited or no federal mental health services for FN children and youth other than services provided through the National Aboriginal Youth Suicide Prevention Strategy; lack of culturally appropriate treatment and counselling approaches that where they exist have limited overall capacity to effectively address intergenerational trauma linked to residential school experiences, and cycles of poverty, violence and addiction.⁴

² Page 2, **Exhibit E** to my affidavit, Memorandum to the Minister of Health, February 15, 2016

³ Page 1, **Exhibit F** of my affidavit, ‘Vulnerabilities to FNIHB Programming resulting from January 2016 Canadian Human Rights Tribunal Decision, undated.

⁴ *Ibid* & Page 2 of **Exhibit F** of my affidavit.

28. In the same document (**Exhibit F**) under the category of NIHB, where Health Canada has deemed this service to be at a 'medium risk', the document states:

For the provision of MT [Medical Transportation] support, the NIHB mandates is that MT benefits (limited to transportation, accommodations and meals) are to access medically necessary services, which, relative to P/T services, means that such services are insured under the P/T health plan. **Travel to attend services that are not P/T insured health services (e.g. therapies such as physiotherapy, speech and language, social services), and paid attendant care are exclusions.**" [Emphasis Added]

29. These two internal Health Canada documents (**Exhibits E and F** to my affidavit) corroborate my observations from my medical practice in Wapekeka and Sioux Lookout. There are significant gaps, particularly in the provision of mental health services and the approval of transportation to obtain developmental services (such as occupational therapy, speech language therapy, etc.). These documents demonstrate that the Government of Canada has been aware of these issues since at least around the time of the Tribunal's January 2016 decision.
30. The mental health problems underlying the suicide crisis affecting so many Indigenous communities do not occur in a vacuum. These crises are the result of many compounding factors, including the legacy of the residential school system, intergenerational trauma, abuse, etc.; however, in my daily medical practice, I can draw a direct correlation between the lack of access to *early* medical interventions leading to compounded mental health problems and youth suicide.
31. I am often unable to obtain the developmental or mental health services my patients need *when they need them*. When these needs are left unaddressed, the problems compound until one of two things occur: (1) a child requires *emergency* care and has to be medevaced out of

the community; or (2) I receive a call on my cellphone to let me know that another child has made the tragic decision to end their life.

32. This recent suicide crisis in Wapekeka is not the first suicide crisis that has occurred and I fear that it will not be the last suicide crises if the status quo remains. Wapekeka has routinely identified what they need to address the high rate of youth suicide. These tragedies are preventable and more *children* do not need to die.
33. I make this affidavit for the purposes of NAN's submissions on immediate relief for the hearing currently scheduled for March 22, 23 and 24, 2017 in the *First Nations Child and Family Caring Society v. Canada*⁵ proceedings before the Tribunal and for no other or improper purpose.

AFFIRMED BEFORE ME this
27th day of January, 2017
in the Municipality of Sioux Lookout
in the Province of Ontario.


A Commissioner etc.

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Dr. Michael Kirlew

**Diana Lynne Moxam, a Commissioner,
etc., Province of Ontario, for Kevin W.
Romyn Professional Corporation,
Barrister and Solicitor.
Expires February 6, 2017**

⁵ *First Nations Child and Family Caring Society v. Canada*, 2016 CHRT 2. File No.: T1340/7008. Decision rendered January 26, 2016.

Released under the Access
to Information Act
This is Exhibit A referred to in the
Communiqué en vertu de la
Loi sur l'accès à
l'information
affidavit of Dr. Michael Kirlew
sworn before me, this 27
day of JANUARY 2017

Dr. MICHAEL KIRLEW B.Sc MD CCFP L Moxam
2029 Highway 72, Sioux Lookout, Ontario, P8T0A7 COMMISSIONER FOR TAKING AFFIDAVITS
807-737-7563
E-mail: michaelkirlew@icloud.com
CPSO 82492

Diana Lynne Moxam, a Commissioner,
etc., Province of Ontario, for Kevin W.
Romyn Professional Corporation,
Barrister and Solicitor.
Expires February 6, 2017

EDUCATION:

2005 - June 2007 University of Ottawa – Family Medicine Residency
2001- 2005 Doctorate of Medicine

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ACADEMIC APOINTMENTS

August 2009 – Present Assistant Professor – Northern Ontario School of Medicine
August 2011 – Present Director of Education Sioux Lookout First Nations Health
Authority
October 2007-Present Assistant Professor, Department of family medicine, University of
Ottawa
October 2008 Block Chair for the Integration unit of the undergraduate medical
curriculum, University of Ottawa
July 2008 – July 2010 Director of Education – Family Medicine Inpatient Teaching
Service Civic Campus
August 2009 – Present Lecturer – University of The West Indies

ACADEMIC ACHIEVEMENTS

2005 Received Young Achiever award from the Jamaican Ottawa Community Association
2008 Received Family Medicine Teacher of the Year Award at Ottawa Civic Hospital-Melrose
Unit
2009 Family Medicine Teacher of the Year at the Ottawa Civic Hospital – Melrose Unit
2009 Professional Association of Interns and Residents of Ontario (PAIRO) Clinical Teacher
of the Year – University of Ottawa
2010 Family Medicine Teacher of the Year Ottawa Civic Hospital – Melrose Unit
2013 Professional Association of Interns and Residents of Ontario (PAIRO) Clinical Teacher
of the Year – Northern Ontario Medical School
2015 Community Teacher of the Year - the Ontario College of Family Physicians.

EXTRACURRICULAR ACTIVITIES/VOLUNTEER ACTIVITIES

2012 to Present President of Medical Staff Sioux Lookout Meno Ya Win health

	Center
2012- Present	Investigating Coroner – Northwest Region
2013- Present	Board Member Firefly Northwest
2012 – Present	Board Member Sioux Lookout Meno Ya Win Health Center

WORK EXPERIENCE

July 2007 –Present	Community Physician – Wapekeka First Nation Family Physician – Wapekeka First Nation Sioux Lookout Meno – Ya Win Health Center Staff Physician Teaching staff for Medical Students and Medical Residents Ottawa Civic Hospital -Staff Physician (Family Medicine) -Teaching staff to Family Medicine residents
July 2005 – June 2007	University of Ottawa University of Ottawa Family Medicine department – Residency Program

Publications

Community-wide measures of wellness in a remote First Nations community experiencing opioid dependence: evaluating outpatient buprenorphine-naloxone substitution therapy in the context of a First Nations healing program. Kanate D, Folk D, Cirone S, Gordon J, Kirlew M, Veale T, Bocking N, Rea S, Kelly L. Can Fam Physician. 2015 Feb;61(2):160-5.

Fever in our First Nations. Gordon J, Kirlew M, Saginur R, Bocking N, Kelly L, Kennedy C, Farrell T, Schreiber Y. CMAJ. 2015 Sep 22;187(13):996.

Kirlew M, Rea S, Schroeter A, Makahnouk D, Hamilton M, Brunton N, Muileboom J, Schreiber Y, Saginur R, Kelly L. Invasive CA-MRSA in northwestern Ontario: a 2-year prospective study. Can J Rural Med. 2014 Summer;19(3):99-102.

McCuskee S, Kirlew M, Kelly L, Fewer S, Kovesi T. Bronchiolitis and pneumonia requiring hospitalization in young first nations children in Northern Ontario, Canada. Pediatr Infect Dis J. 2014 Oct;33(10):1023-6.

Muileboom J, Hamilton M, Parent K, Makahnouk D, Kirlew M, Saginur R, Lam F, Kelly L. Community-associated methicillin-resistant Staphylococcus aureus in northwest Ontario: A five-year report of incidence and antibiotic resistance. Can J Infect Dis Med Microbiol. 2013 Summer;24(2):e42-4.

Ponka D Kirlew M Top 10 differential diagnoses in family medicine: Edema
Can Fam Physician, January 2008; 54: 81.

Ponka D Kirlew M Top 10 differential diagnoses in family medicine: Chest pain
Can Fam Physician, December 2007; 53: 2146.

Ponka D Kirlew M Top 10 differential diagnoses in family medicine: Vertigo and dizziness
Can Fam Physician, November 2007; 53: 1959.

Ponka D Kirlew M Top 10 differential diagnoses in family medicine: Headache
Can Fam Physician, October 2007; 53: 1733.

Ponka D Kirlew M Top 10 differential diagnoses in family medicine: Generalized abdominal pain. Can Fam Physician, September 2007; 53: 1509.

Ponka D Kirlew M Top 10 differential diagnoses in family medicine: Dyspnea
Can Fam Physician, August 2007; 53: 1333.

Ponka D Kirlew M Top 10 differential diagnoses in family medicine: Fever
Can Fam Physician, July 2007; 53: 1202.

Ponka D Kirlew M Top 10 differential diagnoses in family medicine: Low back pain
Can Fam Physician, June 2007; 53: 1058.

Ponka D Kirlew M Top 10 differential diagnoses in family medicine: Fatigue
Can Fam Physician, May 2007; 53: 892.

Ponka D Kirlew M Top 10 differential diagnoses in family medicine: Cough
Can Fam Physician, April 2007; 53: 690 - 691.


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l'informazione

Tel: (807) 623-8228 Fax: (807) 623-7730

day of JANUARY 2017

January 18, 2017

Diana Lynne Moxam, a Commissioner,
etc., Province of Ontario, for Kevin W.
Romyn Professional Corporation,
Barridale and Son Ltd., Ottawa
Expires February 6, 2017

A0455886 16-001237

First Nations are not sitting on their hands and expecting the federal government to solve the tragedies of their communities. But, we have been legislated into a position where our power is to make proposals and seek program dollars from your bureaucracy. When we are then ignored, our hands are tied and our children continue to needlessly die.

Opportunities Lost/Lives Lost

It has almost been one year since NAN declared a Public Health Emergency (February 24, 2016). During that time, we continued our work to address this crisis, and to keep our children with us. While we worked with what we had, we submitted various NAN proposals and community proposals to your government that have been ignored. Of course, there were many reports and initiatives created prior to your term as Prime Minister, but I set out below various NAN and community proposals, inquest, inquiry, and court orders, ignored by your government during your tenure in office.

Ignoring proposals and terminating successful community led programming is the starkest example of the problems within the INAC and Ministry of Health bureaucracies.

In the last year alone, specific concrete solutions from Wapekeka have been ignored.

Wapekeka Suicide Prevention Strategy Ignored

To remind you, in July 2016, the leadership of Wapekeka First Nation filed a mental health proposal expressly directed at suicide prevention and the increasing risk of loss of their youth.

The proposal states in part that Wapekeka First Nation would like to create a mental health team that would provide the necessary services to reduce the high rate of suicide attempts, to create a healthy well being community environment, and reduce the alcohol and non prescription rate among the youth.

In their detailed submission, Wapekeka sought \$376,706 to hire four workers to implement land based activities and deliver prevention and intervention programs. Unfortunately, there has been no uptake. There was acknowledgement by INAC that the proposal was submitted but then it was shelved, and six months later it remains outstanding.

Tragically, this is not the first time for Wapekeka First Nation that their detailed and formal cries for help have been ignored. Survivors of Suicide (SOS), a suicide prevention model and a successful annual gathering which has been held for 22 years, lost its funding in 2014 without explanation and has now not been held for the last two years.

Wapekeka brought this reality to your attention in a tragically prescient manner:

"The leadership in the community is very concerned about this program not continuing in the future as they have already identified many negative experiences since its sudden end.

There has been a substantial increase in oxycotin and non-prescription drug abuse in the community. As well there have been many suicide attempts by youth in the past year and it is believed that there is a suicide pact with a group of young females" (see pg. 1, Wapekeka First Nation, Youth Mental Health Program, submitted July 2016).

Health Transformation Submission

An indigenous partnership of NAN, the Federation of Sovereign Indian Nations, and Manitoba Keewaytinowi Okimakamak submitted a detailed health proposal on October 7, 2016 through me as Grand Chief of NAN. I submitted the 33-page plan for Health Transformation to the Minister of INAC and MOH. This strategic plan sets out a detailed road-map and budget for Indigenous-led Health Transformation. As explained in the proposal:

We have created a strategy to identify, redesign and measure health system processes to address Indigenous health disparities.

The community will lead the new process, the community will align through the new process and will define the problems, solutions and how to implement the strategies. (pg. 4 "Time for an Indigenous Health Revolution: and Indigenous-led, Data-driven, Collaborative Strategy for Health Transformation")

The Health Transformation proposal describes precisely what is contemplated:

"We are creating three levels of alignment, mapping existing processes, identifying new processes, measurements to track outcomes to change, redesigning process collaboratively among Indigenous and non-Indigenous stakeholders, and creating community capacity for implementation strategies.

The Alignment Process includes the following components:

- establish mandate to determine oversight
- 9 Steps to measure progress
- charting to summarize issues/concerns/solutions and inter-relationships
- validation so stakeholders understand their part of the 'big picture'
- prioritization to quantify "Alignment Gap"
- collaborative teams for advisory support, coordination and implementation
- result measurement to close feedback loops on whether we achieved an outcome" (see pg. six of "Time for an Indigenous Health Revolution: and Indigenous-led, Data-driven, Collaborative Strategy for Health Transformation")

Leading up to the Wapekeka deaths, this proposal suffered the same fate as the other initiatives, silence.

Inquests, Inquiries, Court Orders: Ignored

Further to the solutions that have been proposed by our communities to you and your bureaucracy, there is a failure of INAC to comply with court orders, inquests, and inquiry recommendations. There were significant investments in these processes in the hopes of finding solutions. They all represent opportunities for change, time, and community members that are now lost to us.

The Orders of the Canadian Humans Rights Tribunal from the Caring Society Case

There has been an abject failure of INAC to comply with the Orders of the Canadian Human Rights Tribunal (CHRT). Despite clear findings that the failure to include funding for mental health services discriminates against Indigenous children in need, Canada has yet to create such funding. In particular, the CHRT's January 26, 2016 decision found that INAC was discriminating against First Nations children by not funding the full range of provincial services that are provided for under the *Child and Family Services Act*, R.S.O. 1990, c. C.11 which includes mental health services.

"INAC is ordered to provide its rationale, data and other relevant information to assist this Panel in understanding INAC's Budget 2016 investments and how they are responsive to the needs of the First Nations children and how it addresses the findings in the Decision, in the short term, especially in terms of mental health services and Band Representatives." (see para. 73, 2016 CHRT 16)

In September 2016, a further decision by the CHRT sought further information from INAC regarding recent funding announcements and how they would address the needs of First Nations children, in particular with regard to mental health services.

In its October 2016 compliance report, INAC failed to identify any immediate actions it is taking with regard to mental health services.

Mushkegowuk Council Releases Findings from "The People's Inquiry into our Suicide Pandemic"

In January 2016, the Mushkegowuk Council called on all levels of government, First Nations, community members, and agencies to implement recommendations identified in the above report. This report followed two years of public hearings and the documentation of personal stories and identifying possible solutions to address the suicide pandemic crippling the region. A response to these recommendations is still pending.

State of Emergency Declaration

Following on the heels of the Mushkegowuk Council's Peoples Inquiry, we declared a state of emergency on February 24, 2016 with immediate actions to be completed within 90 days. Several were directed specifically at needs associated with mental health services.

First Nation Youth Inquest Recommendation

The Coroner's Inquest into the death of Seven First Nation Youth released 145 recommendations on June 28, 2017. The recommendations present a recipe for healthy First Nations Youth. In particular, I would highlight the following, where there have been no action taken.

- **Recommendation 37** was directed at Canada and Ontario, recommending that both levels of government assist NAN First Nation communities in the development of a comprehensive Mental Health program for children, youth and adults. This program should consider the need for integrated mental health services including models which incorporate traditional practices as defined by the individual First Nation.
- **Recommendation 38** was directed at Ontario, recommending that the Provincial government work with the Federal government and First Nations to improve consistency, enhance coordination, and increase resources to support mental health and wellness, including programs on-reserve.

Charter of Relationship Principles

In September 2016 work had already commenced on establishing a Charter of Relationship Principles between Canada, Ontario and NAN. Five months have passed and progress remains pending.

A Culture that is the Problem and Not Part of the Solution

You are in possession of visions for change. We have generated these visions by empowering communities to initiate change at the community level. Each solution presented remains pending or shelved and each is an opportunity where your government has failed.

NAN has experienced first hand the ongoing resistance to change exhibited by ministry personnel at both INAC and the Ministry of Health. Accepting that you and your ministers have truly issued directions for change, these directions are not being followed at the bureaucratic level.

The experience of NAN and the other parties in the Human Rights Caring Society Tribunal proceedings in which there has been a blatant disregard for Tribunal findings and orders is the starkest example of this resistant culture.

Political leadership must be accountable for the performance of its ministries and so I write to you and your political colleagues and urge you to implement real and impactful change in your respective bureaucracies.

In the short term, we ask that you immediately provide Wapekeka First Nation funding for their mental health team proposal in 2017 dollars. We also ask that you reinstate funding for the

Wapekeka Survivors of Suicide initiative. These two actions would show the good faith of your government to move forward with us to substantively address and take action on the other efforts outlined above.

I look also look forward to immediate action on those broader systemic remedies that have been presented.

Quite simply, Canada has run out of excuses for these tragedies. As the 150th anniversary ceremonies approach for Canada, it is difficult to envisage honouring this milestone while our children continue to needlessly perish.

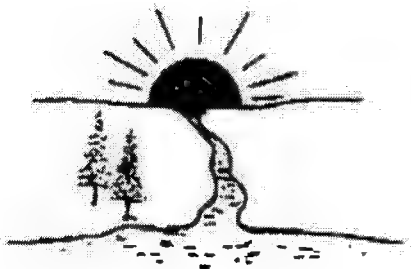
Sincerely,
NISHNAWBE ASKI NATION



Grand Chief Alvin Fiddler

cc. NAN Chiefs
 NAN Executive
 National Chief Perry Bellegarde
 Regional Chief Isadore Day
 Cindy Blackstock
 Hon. Carolyn Bennett, Minister of Indigenous and Northern Affairs Canada
 Hon. Jane Philpott, Minister of Health
 Adam Vaughan, MP, Parliamentary Secretary to the PM

SEP. 5. 2016 1:59PM WAPEKEKA FIRST NATION



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Waapekeka First Nation

P.O. Box 2
WAPEKEKA, ONTARIO
P0V 1B0

Phone 537-2315 or 537-2382
Fax 537-2336

This is Exhibit referred to in the
affidavit of ...D.R. MICHAEL KIRLEW
sworn before me, this ...27.....
day of ...JANUARY... 2017..

July 18, 2016

Tracey Clarke
Health Canada
tracey.clark@canada.ca

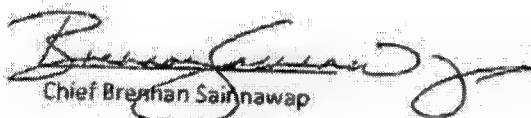
Dear Tracey,

Re: Youth Mental Health Submission

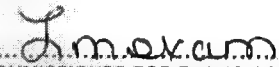
Please see our application, enclosed, for your review and acceptance. We are in direct need of addressing some mental health needs and supports. We have had some dire experiences with youth suicides in the past and we are hoping to establish support systems in place to help out our young people in their mental health struggles.

I thank you kindly for your understanding.

Sincerely,


Chief Brennan Sainnawap

Cc Waapekeka First Nation Council


A COMMISSIONER FOR TAKING AFFIDAVITS
Diana Lynne Moxam, a Commissioner,
etc., Province of Ontario, for Kevin W.
Romyn Professional Corporation,
Barrister and Solicitor.
Expires February 6, 2017

△APb

SEP. 6. 2016 1:59PM

WAPEKEKA FIRST NATION

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Wapekeka First Nation

Youth Mental Health Program

Submitted to: Health Canada

2016

SEP. 6. 2016 1:59PM

WAPEKEKA FIRST NATION

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WAPEKEKA FIRST NATION

YOUTH MENTAL HEALTH PROGRAM

SUBMITTED TO: HEALTH CANADA

JULY 2016

Objective

To create a mental health team in the community of Wapekeka that will implement programming and counselling sessions to prevent suicides among the youth and to promote mental, emotional and behavioural well-being in the community. This team would also assist in the prevention of underage drinking, non-medical use of prescription pain reliever drugs by youth and to work on reducing the occurrence of mental, emotional and behavioural disorders among youth.

Rationale

From 1982-1999, Wapekeka First Nation experienced 16 tragic deaths as a result of suicides in the community. Through community leadership and outside agency assistance a suicide prevention model, Survivors of Suicide (SOS), was developed. The SOS gathering was hosted in Wapekeka annually and was open to all other First Nations to attend. This gathering had been successful during its 22 years of operation, however, with funding cuts the program has not been offered for the last two years. The leadership in the community is very concerned about this program not continuing in the future as they have already identified many negative experiences since its sudden end. There has been a substantial increase in oxycotin and non-prescription drug abuse in the community. As well there have been many suicide attempts by youth in the past year and it is believed that there is a suicide pact with a group of young females.

The population of Wapekeka First Nation is approximately 500 members living on reserve with half of the population being youth. There are limited activities for the youth and there is no youth mental health worker that is available on a consistent basis.

Increasing evidence indicates that:

- promotion of positive aspects of mental health is an important approach to reducing disorders and related problems.
- Early alcohol use is an important risk factor for many chronic diseases, involvement in violent behaviors, suicide attempts among youth, and other emotional/behavioral problems, including bulimia, borderline personality disorder, obsessive-compulsive disorder and anxiety disorders.
- Mental, emotional and behavioral disorders are developmental and their severity is likely to worsen without treatment
- Every suicide is preventable. Suicide and suicide attempts are associated with depression. Youth with suicidal risk behaviors and substance abuse disorders are more likely to have experienced trauma, an event more overwhelming than a person ordinarily would be expected to encounter, such as sexual abuse, or witnessing a murder

Wapekeka First Nation would like to create a mental health team that would provide the necessary services to reduce the high rate of suicide attempts, to create a healthy well being community environment, reduce the alcohol and non prescription rate among the youth.

The workers would be supervised by the health director and their duties would include the implementation of land based activities as well as delivering prevention and intervention programs that embraced a holistic approach. Counselling and case management of files would be completed with a wrap around approach to include family and extended family members in the development of individual treatment plans.

Work Plan

Activity	Description
Design job description And advertise job postings	Create a job description to be advertised in online and in other suitable mediums such as Wawatay News and on community radio stations. Job description will provide an extensive outline of expectations, as well as skills and training that are required or preferred.
Fill job postings	Review applicants and hold interviews
Train workers	After workers are hired, a two day strategic training session will be held to introduce the workers and establish their workplans
Create awareness	When workers have been selected and have begun in their roles it will be necessary to alert and inform local residents of the services offered. Workers will be required to host a community forum plus utilize local media services such as radio to introduce themselves to the community and talk about the services offered. In addition, many communities have local radio stations that can be utilized.

Annual Budget

Item	Description	Cost
Salaries	4 workers @ \$52,500	\$210,000
Benefits	4 workers @ \$13,125	\$52,500
Rent	4 workers @ 250.00 per month x 12 mths	\$12,000
Training	4 workers @ \$2500 per year	\$10,000
Materials	Office and program supplies	\$15,000
Travel	Gas to conduct home visits	\$19,200
Computers	Start up computers/desks/phones/filing cabinet	\$18,000
Networking	4 workers @ 120.00 per mth x 12mths	\$5760
Subtotal		\$342,460
Administration	@ 10% of subtotal	\$34,246
Total		\$376,706

CBC
CBCnews
Thunder Bay

Wapekeka First Nation asked for suicide-prevention funds months before deaths of 2 girls
Health Canada says request came at 'awkward time' in the budget cycle, when funds were already allocated

By Jody Porter, John Paul Tasker, **CBC News** Posted: Jan 19, 2017 5:00 AM ET Last Updated:
Jan 19, 2017 3:50 PM ET



Jolynn Winter, 12, left, and Chantel Fox, 12, centre, from the community of Wapekeka First Nation in Ontario, died by suicide this month. Chantel is survived by her twin sister, Chanel, pictured far right. (Supplied by the Winter and Fox families)

First Nations leaders in northern Ontario say the federal government ignored their pleas to help a group of suicidal children last summer and is only now stepping forward with funding, days after two pre-teens died by suicide.

The girls, both 12, died within days of each other earlier this month in Wapekeka First Nation, a small community of about 400 residents located approximately 450 kilometres north of Sioux Lookout, Ont.

Jolynn Winter died on Jan. 8, while Chantel Fox died two days later. Four other children were flown out of the community for medical treatment "lest they be next in this suicide pact that was identified by the community several months ago," said a statement released from Wapekeka.

Another 26 children were "triggered by these deaths and are at high risk for suicide," the statement said.

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sworn before me, this day of ...
day of ... JANUARY ... 2017

L. Moxam
A COMMISSIONER FOR TAKING AFFIDAVITS
Diana Lynne Moxam, a Commissioner,
etc., Province of Ontario, for Kevin W.
Romyn Professional Corporation,
Barrister and Solicitor.

"We had identified that several children were secretly planning suicide several months ago and we immediately applied for health funding to work with the children in preventing any suicides from happening," Wapekeka spokesperson Joshua Frogg said.



Joshua Frogg on the suicide of his niece

'Awkward' time for funding

Health Canada said it received a funding proposal from Wapekeka First Nation in September, though the proposal was dated for July 18.

That's an "awkward time" in the federal funding cycle when all the available money has already been allocated, said Keith Conn, the regional executive for Ontario with the First Nation and Inuit Health Branch of Health Canada.

The community had requested \$376,706 to hire and train four mental health workers to help establish counseling sessions for young people on the remote fly-in reserve.

"We just didn't have the funding to support the program," he told CBC News. "We don't have necessarily a flexible fund that we hold back for different projects."

The proposal specifically mentioned the threat of suicide and aimed to connect a group of high risk youth and their families with cultural activities on the land.

"The question our community is asking today: When is it the right time for this government to act and support our communities, especially for our youth and our children?" Nishnawbe Aski Nation Grand Chief Alvin Fiddler told reporters Thursday.



Kids from Wapekeka First Nation are shown in a music video they made and posted on YouTube earlier this month. (YouTube)

NDP MP Charlie Angus balked at the department's suggestion that the timing was awkward.

"An awkward time for who? Too damn bad. It has to be said if these were white kids in a provincial school system or a provincial health system ... people would be fired. But when it comes to the federal government, [Indigenous Affairs] and Health Canada, it's just another day at the office," Angus said.

Conn said Health Canada kept Wapekeka's proposal on an "active" list and is now able to fund it through "slippage" — money that has gone unspent in the annual budget. There's also been an emergency response and related support from Health Canada since Winter and Fox died.

"It's really sad that young people — in this case two young girls — had to die before Health Canada got around to approving any proposals from that community," Fiddler said.



Wapekeka, in northern Ontario, is home to about 400 residents. (YouTube)

Prime Minister Justin Trudeau pledged an additional \$69 million over three years for First Nations mental wellness programs at the height of the Attawapiskat suicide crisis last summer. That brings total federal spending to roughly \$300 million a year, which is enough to fund 43 mental wellness teams to fan out across the country and minister to those in need.

"Is that enough? Obviously not enough if it's still continuing," AFN National Chief Perry Bellegarde said. "It's a system that's flawed, and it's sucking the hope out of these children."

The leaders present at the news conference in Ottawa on Thursday were unanimous in their calls for a national suicide strategy, and said that while Jane Philpott, Canada's health minister, seems personally concerned with the issue, she is overseeing an incompetent bureaucracy.

"She's got good intentions, but she has people who are dragging everything. Governments announce initiatives but it takes months and months to get started and it's because of the bureaucracy."

Philpott said she is focused on long-term solutions for First Nations communities like Wapekeka.

"This is not the only community that is struggling, and we are continuing to provide resources. We are dealing with a legacy of generations of trauma, of people feeling disconnected from their culture. We also need to address those deep-seeded realities of why people have lost hope."

'Burnt out'

Nishnawbe Aski Nation represents 49 First Nations in northern Ontario, including Wapekeka. Its own statistics show there were more than 500 suicides in those communities between 1986 and 2016, with more than 70 of deaths involving children aged 10 to 14.

For several years, Wapekeka was a shining example of suicide prevention in the region, Fiddler said, developing its own "Survivors of Suicide" program to respond to a crisis in the 1990s and hosting an annual conference.

That started to change as federal funding for the program was cut two years ago, he said. Wapekeka has gone through some "tragic experiences and they've learned lessons the hard way," said Fiddler.

"They've been able to formulate strategies based on experience and that's something governments need to support."

Conn said a planning exercise is currently underway at Health Canada examining what "continuum of care" is needed to prevent suicides among Indigenous youth and how can it be sustainable.



Wapekeka's proposal to Health Canada to fund a suicide-prevention program came at the wrong time in the budget cycle, says Keith Conn, of the department's First Nation and Inuit Health branch. (Jody Porter/CBC)

"We've had process after process, study after study, but to no avail," Mushkegowuk Council Grand Chief Jonathan Solomon said Thursday.

"Our front line workers are burnt out; our communities are tired. Yes, the government may announce initiatives but sadly they are just dragging their feet while we continue to bury our loved ones. Certainly, actions would be louder than words."

This is Exhibit E referred to in the
affidavit of D.R. MICHAEL KIRLEW
sworn before me, this 27
day of JANUARY 2017

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D. Moxam
A COMMISSIONER FOR TAKING AFFIDAVITS

Diana Lynne Moxam, a Commissioner,
etc., Province of Ontario, for Kevin W.
Romyn Professional Corporation,
Barrister and Solicitor.
Expires February 6, 2017

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16-101899-679

MEMORANDUM TO THE MINISTER OF HEALTH

Impacts of the Canadian Human Rights Tribunal's Decision on Health Canada (Assembly of First Nations / First Nations Child and Family Caring Society Human Rights Complaint)

SUMMARY

- The January 26, 2016 decision of the Canadian Human Rights Tribunal (CHRT) raises a number of issues with respect to services available to First Nation children living on reserve versus those living off reserve.
- While directed at Indigenous and Northern Affairs Canada's (INAC) First Nations Child and Family Services (FNCFS) program, the decision more broadly impacts all Government of Canada (CoC) programs and services serving that client group, including Health Canada (HC). It also notes a lack of coordination or 'silos' between federal departments, an overly narrow and restrictive definition of Jordan's Principle, and inadequate funding as key to its findings against the CoC.
- The Tribunal has already ordered INAC to cease its discriminatory practices and reform the funding approach for the Child and Family Services Program and is expecting to see an outline and timeline regarding implementation of Jordan's Principle.
- On February 10, 2016 INAC will receive formal correspondence from the complainants to address the requests for immediate relief for FNCFS reform, 1965 Agreement reform, and increased funding.
- HC will support INAC in its response to the Tribunal, which must be completed by February 25, 2016.
- [REDACTED]
- Departmental officials are working in collaboration with INAC to determine a way forward that would better respond to the health needs of First Nations children and the CHRT's direction, including revising the Jordan's Principle definition, identifying parameters where the definition would be applied and developing a list of vulnerable programming.

s.69(1)(g) re (a)

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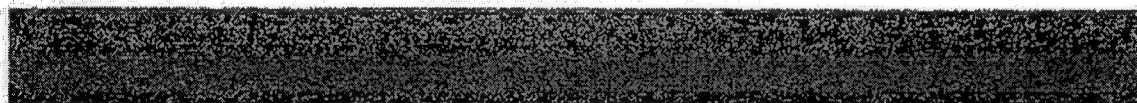
BACKGROUND:

While not a party to the CHRT's decision, HC is directly implicated as the decision is directed to the GoC broadly. The Tribunal's findings include:

- a general lack of coordination and integration of health and social services on reserve, leading to gaps in service delivery to First Nation children and families;
- jurisdictional ambiguity of services (such as for mental health) for children in care of FNCFS agencies, leading to service gaps; underfunding of programs, contributing to inequitable social/health services;
- a narrow interpretation of Jordan's Principle, resulting in no cases meeting the criteria set by INAC and HC, and therefore service gaps, delays and denials for First Nations children; and,
- issues related to the application of funding authorities between INAC and HC – specifically where a gap exists in HC's authorities or funding levels (i.e. items which are not benefits under the Non-Insured Health Benefits (NIHB) Program, such as physiotherapy or other excluded medical supplies and equipment).

The CHRT noted that INAC's FNCFS program cannot work in isolation as too many factors affect the overall need for child and family services. While not specifically referencing HC, INAC's efforts to reform their program will require improved linkages with health programs and services funded by HC. There may also be requests to provide additional health services for children in care, such as mental health services, allied health supports, etc.

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CURRENT STATUS:

On February 5, 2016 the GoC received the CHRT's directions (Appendix A) outlining a three step process the parties are to follow to provide further information and action plans to the Tribunal in regards to the remedies and compensation.

Step 1. - The complainants/interested parties have until February 18, 2016 to make their submission. INAC will then have until February 25, 2016 (seven days) to respond. Subsequently, the complainants will then have three days to reply.

Step 2: The Tribunal will then deal with requests for mid-long term relief such as redesign of child welfare, training and on-going monitoring.

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- 2 -

Step 3: The Tribunal will then determine requests for compensation for the victims of discrimination under section 53(2)(e) for pain and suffering.

.../3

In advance of receiving the initial complainant's submission on February 18, 2016, Minister Bennett is preparing correspondence to the CHRT and the complainants indicating that Canada will not seek Judicial Review of the decision, and will engage with stakeholders and partners to determine the most effective path forward. It is hoped that this correspondence will elicit good will on the part of the complainants and other parties to work collaboratively on reforms.

On February 10, INAC received the Tribunal's instructions (Appendix B) to the complainants. The complainants are asked to provide input on a number of issues, including: budgetary changes to FNCFS to ultimately achieve substantive equality in the delivery of culturally appropriate FNCFS to First Nations; how to engage with First Nations' communities at tripartite tables on adequate and culturally appropriate FNCFS; how the requested transition fits into the requests for mid and long term reforms; and an outline and timeline on how to implement the full scope and meaning of Jordan's Principle.

INAC and HC staff are now addressing the themes raised in the Tribunal's letter to the complainants by developing new draft Jordan's Principle definitions, identifying reforms that may be required to programming affected by the decision, and designing a wide-ranging engagement process. It is anticipated that this work will form a part of the submission to the Tribunal on February 25, 2016. The expectations from the complainants about Jordan's Principle include: broadening the definition, setting up a dedicated fund and establishing an appeal process.

HC and INAC will have to amend their *Memorandum of Understanding on the Federal Response to Jordan's Principle*, to reflect revised criteria and updated departmental roles and responsibilities. It is anticipated that the revised MOU should be signed by February 18, 2016.

CONSIDERATIONS:

While not all aspects of the decision apply to HC, it will be imperative to work closely with INAC throughout the process.

It is likely that fully implementing the CHRT's decision, including expanding Jordan's Principle will require significant additional funding, and INAC will also be in the same position.

There are currently two distinct human rights complaints before the Canadian Human Rights Commission challenging HC programs and funding under its Home and

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Community Care and NIHB programs (i.e. Pruden and Taylor Complaints)

There is a risk that the high profile nature of the CHRT's decision and media sensitivity toward Jordan's Principle issues will lead to higher expectations in relation to NIHB coverage and other health services.

NEXT STEPS:

HC is supporting INAC in developing its submissions to the Tribunal, while undertaking a thorough analysis of potential vulnerabilities in programs areas. This includes developing a fulsome response to the Tribunal once the questions from the complainants are received on February 18, 2016.

s.69(1)(g) re (a)

Deputy Minister

MECS# 16-101899-679

Branch Head: Sony Perron, Senior Assistant Deputy Minister, FNIHB, Health Canada
Telephone: 613-957-7701

Attachments:

Appendix A- CHRT's direction letter
Appendix B- Tribunal instruction letter

Document created on: February 15, 2016

001903

This is Exhibit ...F..... referred to in the
affidavit of ...D.R. MICHAEL KIRLEW
sworn before me, this ...27.....
day of ...JANUARY 2017.....

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etc., Province of Ontario, for Kevin W.
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Barrister and Solicitor.
Expires February 6, 2017

Program	Risk Level	Annual Escalator	Description
Primary Care	High	Clinical and Client Care: Yes Home and Community Care: No	<ul style="list-style-type: none"> Clinical and Client Care Limited access to health professionals, due to recruitment and retention issues Lack of diagnostic equipment, including point of care testing in many communities Poor state of infrastructure in nursing stations and health centres Inability for FNHB/First Nation nurses and other staff to access provincial electronic medical records, usually due to a complex privacy regime, can result in poor communication between service providers.
Health Promotion and Disease Prevention	High*	Less than half of programming receives growth	<ul style="list-style-type: none"> Home and Community Care Care not provided outside of regular business hours or on weekends HCC does not provide palliative care or rehabilitation therapies Targeted towards seniors, respite services not always available to children/adults with special needs Maternal and Child Health (MCH) MCH program is not universal MCH screening services for expectant mothers/children, key for early identification of issues such as mental health, disabilities, special needs, are insufficient Diagnostic services such as access to specialized and multi-disciplinary supports (occupational therapists, speech and language pathologists, pediatricians, psychiatrists/psychologists) are not available and accessible to First Nations to the same degree as children living off-reserve. Once diagnosed, little support to the child/family is available within communities. Mental Wellness There is a shortage of mental wellness services for children in Canada generally with access more limited in remote and isolated communities. With respect to FN children, access is further limited due to higher needs; limited or no federal mental health services for FN children and youth other than services provided through the National Aboriginal Youth Suicide Prevention Strategy; lack of culturally appropriate treatment and counselling approaches that where they exist have limited overall capacity to effectively address intergenerational trauma linked to residential school

Vulnerabilities to FNHB Programming resulting from January 2016 Canadian Human Rights Tribunal Decision
Programs without annual escalators, that are not universal and that face health human resource challenges are at greatest risk

		<p>experiences, and cycles of poverty, violence and addiction.</p> <ul style="list-style-type: none"> Other gaps include psychological testing for Fetal Alcohol Syndrome/Effects and special needs, limited specialised services (social worker, psychologist, psychiatrists and peer support workers). <p>Addictions Treatment</p> <ul style="list-style-type: none"> Demand for treatment exceeds supply Health human resource limitations Re-integration into communities following treatment is a gap and has implications for youth leaving treatment as well as youth transitioning out of child welfare.
Healthy Child Development	Medium No	<p>Aboriginal Head Start on Reserve (AHSOR)</p> <ul style="list-style-type: none"> AHSOR is only serving 17% of eligible First Nations children living on reserve. <p>Children's Oral Health Initiative (COHI)</p> <ul style="list-style-type: none"> Not universal, with insufficient dental therapists to serve every community Dental therapists are no longer being trained (health human resource limitation) Dental health is poor amongst FN children compared to the general population The lack of funding for the maintenance and the construction of new infrastructure in First Nation communities across Canada has resulted in serious deficiencies. There are many buildings in poor shape, resulting in limitations to services.
Infrastructure	Medium Very minimal growth	
NIHB	Medium Yes	<ul style="list-style-type: none"> Gaps may be seen to exist in the eligibility of clients for some medical supplies and equipment (MS&E) and Medical Transportation (MT) benefits. Some clients may require certain MS&E items listed as exclusions, which means that such an item is explicitly not available via the NIHB Program to any client (e.g. hospital beds and mattresses, ceiling lifts, other equipment installed in a home, home modifications, or audio FM systems for use at school). For the provision of MT support, the NIHB mandate is that MT benefits (limited to transportation, accommodations and meals) are to access medically necessary services, which, relative to P/T services, means that such services are insured under the P/T health plan. Travel to attend services that are not P/T insured health services (e.g. therapies such as physiotherapy, speech and language, social services), and paid attendant care are exclusions.

Environmental Health	Medium	Partial growth	<ul style="list-style-type: none">• Underfunding has limited the work of Environmental Public Health Officers. They have reduced their on-the-ground work in communities, such as conducting less water quality testing.
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CANADIAN HUMAN RIGHT TRIBUNAL

BETWEEN:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and
ASSEMBLY OF FIRST NATIONS**

Complainants

-and-

CANADIAN HUMAN RIGHTS COMMISSION

Commission

-and-

**ATTORNEY GENERAL OF CANADA
(representing the Minister of Indigenous and Northern Affairs Canada)**

Respondent

-and-

**CHIEFS OF ONTARIO and AMNESTY INTERNATIONAL CANADA
and NISHNAWBE ASKI NATION**

Interested Parties

AFFIDAVIT OF THOMAS A. WILSON and DAVID BARNES

**We, Thomas A. Wilson and David Barnes, of the City of Toronto, in the Province of
Ontario, MAKE OATH AND SAY:**

1. Thomas A. Wilson is an Emeritus Professor of Economics and Senior Advisor to the Policy and Economic Analysis Program at the Rotman Institute for International Business at the University of Toronto. He is also a Research Fellow at the C. D. Howe Institute and was

a member of the Statistics Council, Statistics Canada from 2005-2016. A copy of his curriculum vitae is attached to this affidavit as **Exhibit "A"**.

2. David Barnes is the Principal of Barnes Management Group, which provides consulting services to public and non-profit organizations. He has over 30 years of experience as a social worker, consultant, and facilitator, focusing on child welfare and services to Indigenous communities. He was the lead author of the 2006 report, "Northern Remoteness: Study and Analysis of Child Welfare Funding Model Implications on Two First Nations Agencies" ("the Barnes Report"). A copy of his curriculum vitae is attached to this affidavit as **Exhibit "B"**.
3. The interested party, Nishnawbe Aski Nation ("NAN"), has consulted us regarding the development of an empirical "remoteness coefficient" to adjust child welfare funding for the increased costs of providing child welfare services in remote northern communities.

Definition of Remoteness Coefficient

4. The term "remoteness coefficient", as discussed in this affidavit, refers to a variable that would be applied to provincial or federal funding formulas or other child welfare allocations to determine the amount of additional funding that would be required to provide the same level of service in a particular remote community as compared to non-remote communities in that province.
5. It should be noted that a variable that measures only "remoteness" would not necessarily account for infrastructure and capability gaps in the delivery of child welfare services or the varying levels of need for such services between different communities. The effects of remoteness will be magnified in a community that faces greater socioeconomic needs and/or possesses inferior infrastructure. Those issues must either be addressed through separate, targeted funding or else the individual and cumulative effects of remoteness, community needs, and infrastructure must all be factored into the annual funding model.
6. It is our opinion that an empirically sound remoteness coefficient can be developed if appropriate data are available.

The Barnes Report

7. The "remoteness factors" applied by the authors of the Barnes Report represent one example of a remoteness coefficient. However, the Barnes Report relied upon 2001 census data and is now dated. It was also limited in scope and access to data, including missing data items.

Immediate Relief: Phase I

8. In our opinion, the remoteness coefficients used in the Barnes Report could be updated in the immediate term for the purpose of any immediate relief funding allocations. A short-term remoteness coefficient based on the formula set out in the Barnes Report could be calculated for any First Nations in Canada using the latest version of the INAC Band Classification Manual as well as geographic and demographic data from the 2006 census and 2011 national household survey. It should also be determined if INAC possesses data that would fill any gaps in the original Barnes Report.
9. To prepare this update to the Barnes Report, we would use a team including child welfare experts, economic advisors and targeted support from Statistics Canada and INAC.
10. We estimate that the approximate cost of updating the Barnes Report using 2006 and 2011 data would be in the range of \$30,000 to \$50,000.

Immediate Relief: Phase II

11. The Barnes Report can subsequently be updated using 2016 census data when those data become available towards the end of 2017.
12. To prepare this second update to the Barnes Report, we would use the same team as for the first update.
13. We estimate that the approximate cost of updating the Barnes Report using 2016 census data would be in the range of \$20,000 to \$30,000.

Immediate Relief: Phase III

14. Any update to the Barnes Report, even if expanded to include the data sources set out below, would allow a remoteness coefficient to control for community needs to only a limited degree, and would not account for child welfare infrastructure at all. To address the variable effects of remoteness given different levels of community need and child welfare infrastructure, a direct survey of every First Nation community and child welfare agency would be required. The data from this survey could inform the remoteness coefficient itself and/or the delivery of separate funding to address underlying inequities.
15. A direct survey of First Nations and child welfare agencies would require careful design and a significant time commitment. As a matter of immediate relief, a pilot survey could be designed and conducted in a limited geographic area, such as northern Ontario.
16. To design and conduct such a survey, we would use a team including survey design experts, trained facilitators, data analysis experts, and subject matter experts in the area of child welfare and family wellbeing. Facilitators would then be trained and instructed to collect data from communities and child welfare agencies based on consultations with appropriate First Nation leadership. The work should be overseen by an advisory team made up of leaders from both Indigenous and non-Indigenous communities.
17. We estimate that the cost of designing a direct survey would be \$30,000 to \$40,000.
18. We estimate that the cost of conducting a pilot survey in northern Ontario would be approximately \$4,000 to \$6,000 per road access community and \$10,000 to \$15,000 per fly-in community.
19. If sufficient funding for design and implementation of a pilot survey were ordered as immediate relief, the data could be available for analysis within approximately twelve months of funding. This would allow the findings to be incorporated into the analysis of the statistical data set out below to prepare a final report with recommendations for a long term remoteness funding model, including the development of a remoteness coefficient.

Data Necessary for Medium-to-Long Term Relief

20. In the medium-to-long term, a more accurate and comprehensive remoteness coefficient can be developed using a more complete data set.
21. If appropriate immediate relief orders were made to ensure sufficient funding and institutional cooperation, the following data sources would each contribute to the development of a robust remoteness coefficient in the medium-to-long term:
 - i. As a baseline, the funding formulas for child welfare that are applied in each province or territory where the remoteness coefficient would apply;
 - ii. Accurate community demographic and/or child welfare agency data as required by the provincial funding formulas;
 - iii. Customized Statistics Canada reports regarding First Nations with respect to geographic density, population, income levels by community, and socioeconomic measures including housing and access to essential services;
 - iv. Public data regarding food, gas, and electricity prices;
 - v. Any and all data held by INAC with respect to the geography, demographics, and socioeconomic characteristics of First Nation communities;
 - vi. Any and all data held by Health Canada with respect to remoteness expenses in the context of providing health services to First Nations;
 - vii. Any and all data held by Public Safety Canada with respect to remoteness expenses in the context of providing policing services to First Nations;
 - viii. The data collected from any direct survey of First Nations and child welfare agencies;
 - ix. Although not parties to this litigation, it would be prudent to survey provincial authorities and associations in the fields of health, policing, and education to

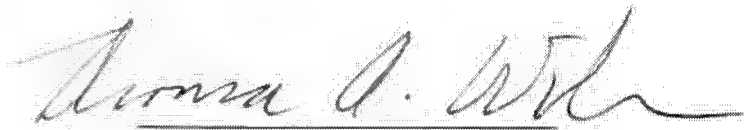
determine whether any apply remoteness factors in the context of delivering social services to remote northern communities in their respective provinces.

22. The parameters and cost of collecting and analyzing these data for medium-to-long term use cannot be usefully estimated at this time. We would require further information as to the scope of available data and the extent to which annual remoteness funding would account for community needs and infrastructure or whether those issues would be addressed through other means.
23. The cost estimates set out in this affidavit would be subject to change once the parameters of any study are finalized.
24. We make this affidavit for the purpose of NAN's motion for immediate relief and no other or improper purpose.

AFFIRMED BEFORE ME this
27th day of January, 2017
in the City of Toronto
in the Province of Ontario.


A Commissioner etc.


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Thomas A. Wilson

AFFIRMED BEFORE ME this
27th day of January, 2017
in the City of Toronto
in the Province of Ontario.


A Commissioner etc.

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David Barnes

Released under the Access
to Information Act

Communiqué en vertu de la
Loi sur l'accès à
l'information

A

December 1, 2016

CURRICULUM VITAE


Thomas Arthur Wilson

Place of Birth: Vancouver, British Columbia, Canada

Citizenship: Canadian

Home Address: University Address

37 Lowther Avenue Room 8032
Toronto, Ontario Rotman School of Management
Canada, M5R 1C5 University of Toronto
Phone: 105 St. George Street
416 - 962-5018 Toronto, Ontario
Canada M5S 3E6
Phone: 416 - 978-4458
Fax: 416 - 978-5433
E-mail: twilson@chass.utoronto.ca

This is Exhibit A referred to in the
affidavit of Thomas A. Wilson and David Barnes
sworn before 27th
day of January 2017

A COMBINED AFFIDAVIT FOR TAKING AFFIDAVITS

Education

Attended Public Schools in Vancouver, British Columbia, Canada.

Entered University of British Columbia, September 1953. Graduated with Honours B.A. in Economics in May 1957.

Entered Harvard Graduate School, September 1957. Received A.M. degree in June 1959, Ph.D. degree in June 1961.

Academic Honours

Grandview Legion University Entrance Scholarship, 1953.

Jonathan Rogers Award, 1954.

Alaska Pine Company Scholarship in Economics, 1956.

Woodrow Wilson Fellowship, 1957.

Harvard University Scholarship, 1958.

Ford Foundation pre-doctoral Fellowship, 1959.

SSRC Faculty Research Grant, 1966.

Isaak Walton Killam Award, 1969.

McKenzie-King Visiting Professor, Harvard University, 1972-73.

Visiting Ford Rotating Research Professor, University of California at Berkeley, 1975-76.

Elected Fellow of the Royal Society of Canada, 1980.

President, Canadian Economics Association, 1984-85.

Visiting Senior Fellow, Center for Business and Government,

John F. Kennedy School of Government, Harvard University, 1986.
Visiting Fellow, Wolfson College, University of Cambridge, 1987.

Teaching Experience

Part-time Teaching Assistant in Economics at the University of British Columbia, September 1955 - May 1957.
Teaching Fellow at Harvard University, September 1960 - June 1961.
Instructor at Harvard University, 1961-62.
Assistant Professor at Harvard University, 1962-1967.
Visiting Professor, University of Western Ontario, Spring 1966.
Associate Professor, University of Toronto, 1967-1968.
Visiting Professor, Harvard University, 1972-1973.
Member, University College, University of Toronto, 1987-
Professor of Economics, University of Toronto, June 1968-2001
Professor Emeritus, University of Toronto, 2001-

University Administrative Experience

Director, Institute for Policy Analysis, University of Toronto, June 1969 - June 1975.
Coordinator, Econometric Forecasting Program, Institute for Policy Analysis, University of Toronto, 1976-77.
Director of Economics, Department of Political Economy, University of Toronto, July 1979 - August 1982.
Acting Chairman, Department of Economics, University of Toronto, September 1982 - December 1982.
Chairman, Department of Economics, University of Toronto, January 1983 - June 1985.
Member, Academic Board, University of Toronto, 1988-93.
Vice-Chairman, Budget Committee of Academic Board, 1990 - 92.
Director, Policy and Economic Analysis Program, Institute for Policy Analysis, University of Toronto 1987 - 2002
Area Coordinator for Business Economics, Rotman School of Management, 1989 - 2003
Senior Advisor, Institute for Policy Analysis, 2002-

Other Professional Experience

Research Assistant at Bank of Canada, Ottawa, Summer 1957.
 Research Assistant for Professor Guy Orcutt, Harvard University, Summer 1958.
 Part-time Research Assistant at Littauer Statistical Laboratory, Harvard University, September 1958 - May 1959.
 Assistant Economist with the U.S. Congress, Joint Economic Committee project on Employment, Growth and Price Levels, June 1959 - January 1960.
 Consultant to the Commission on Money and Credit, September 1960 - February 1961.
 Consultant to the United States Treasury, 1961-1963.
 Research Supervisor (October 1963 - September 1964) and Consultant (1964-1967), Royal Commission on Taxation, Ottawa.
 Director, National Bureau of Economic Research, 1969 - 1974.
 Consultant to Department of Consumer and Corporate Affairs, Ottawa, Canada, 1969-1974.
 Senior Research Associate, NBER, 1972-77.
 Associate Editor, Review of Economics and Statistics, 1973-81.
 Member of Editorial Board, Canadian Public Policy/Analyse de Politiques, 1974-80.
 Advisor to the Minister of Finance, 1982-84.
 Member of Research Advisory Group (Macro-economics) for the Royal Commission on the Economic Union and Development Prospects for Canada, 1983-1985.
 Member of Executive Council, Canadian Economics Association, 1983-86.
 Member of Council of Advisors, C.D. Howe Research Institute, April 1983 - 1990.
 Associate Editor Review of Economics and Statistics, 1986 - 1992.
 Adviser to Thailand Development Research Institute, Bangkok, Thailand 1987.
 Adviser to Harvard Institute of International Development, Jakarta, Indonesia, 1987.
 Member, Working Group on Sales Taxes, Ontario Fair Tax Commission, 1991-92.
 Canadian Representative of Pacific Economic Outlook Forecasting Panel, 1997-1999.
 Chair, Purvis Prize Committee (Canadian Economics Association and Canadian Association of Business Economics) 1999 -2000.
 Member of Advisory Council, John Deutsch Institute of Economic Policy (Queen's University), 1985 - 2006
 Member of Editorial Board, Canadian Business Economics, 1992- 2001
 Member, National Accounts Advisory Committee, Statistics Canada, 1990- 2015 (Chair 1995-2013)
 Research Fellow, C. D. Howe Institute, 2000-
 Member, Statistics Council, Statistics Canada, 2005-2016.
 Member, Fiscal and Tax Competitiveness Council, C. D. Howe Institute 2005-
 Member, Research Committee, Canadian Tax Foundation, 2006-

Publications

1. "An Analysis of the Inflation of Machinery Prices," Study Paper No. 3, Study of Employment Growth and Price Levels, U.S. Congress, Joint Economic Committee, 1959.
2. Contributor to: Staff Report on Employment Growth and Price Levels, U.S. Congress, Joint Economic Committee, 1959.

3. "Productivity and Output in the Postwar Period," Technical Note No. 2, Study of Employment Growth and Price Levels, U.S. Congress, Joint Economic Committee, 1960.
4. (With Otto Eckstein) "The Determination of Money Wages in American Industry," Quarterly Journal of Economics, August 1962.
5. (With Otto Eckstein) "Short-run Productivity Behavior in U.S. Manufacturing," Review of Economics and Statistics, February 1964.
6. (With Lester Taylor) "Three Pass Least Squares: A Method for Estimating Models with a Lagged Dependent Variable," Review of Economics and Statistics, November 1964.
7. A Review of A Study of Cost and Demand Inflation by J.D. Pitchford, American Economic Review, December 1964.
8. (With Lawrence Officer) "Econometrics and Public Policy," a discussion paper published in Conference on Stabilization Policy, Economic Council of Canada, 1966.
9. "Comment" on "Postwar Production Relationships in Canada" by N.H. Lithwick, George Post and T.K. Rymes in Conference on Income and Wealth, National Bureau of Economic Research, October 1965.
10. Capital Investment and the Cost of Capital: A Dynamic Analysis, Royal Commission on Taxation, Study No. 30, Queen's Printer, 1967.
11. (With William S. Comanor) "Advertising, Market Structure and Performance," Review of Economics and Statistics, November 1967.
12. "Reply" to a "Comment" by McGuire and Rapping on "The Determination of Money Wages in American Industry," Quarterly Journal of Economics, November 1967.
13. (With N.H. Lithwick) The Sources of Economic Growth, Royal Commission on Taxation, Study No. 24, Ottawa, Queen's Printer, 1968.
14. (With William S. Comanor) "Advertising and the Advantages of Size," American Economic Review, May 1969.
15. (With A.R. Dobell) "The Effects of the White Paper on Saving, Investment and Economic Growth," Canadian Tax Foundation, Report of the Proceedings of the Twenty-Second Tax Conference, 1970.
16. "High Employment and Price Stability: Policy Options in an Open Economy," Proceedings of the Standing Senate Committee on National Finance, Senate of Canada, Third Session - Twenty-eighth Parliament, 1970-1971, June 8, 1971, pp. 17:5-17:23.

17. (With William S. Comanor) "On Advertising and Profitability," Review of Economics and Statistics, November 1971.
18. (With Gregory V. Jump) "Tax Policy Options for Increasing Employment Without Inflation," Canadian Tax Journal, March-April 1972.
19. (With A.R. Dobell) "The Impact of Taxation on Capital Flows and the Balance of Payments in Canada," in N.B.E.R., International Mobility and Movement of Capital, Columbia University Press, 1972.
20. (With William S. Comanor) "Advertising as a Source of Monopoly," in P.M. Chen (ed.), America's Changing Role in the 70's, Taipei, 1972, pp. 69-82.
21. "Taxes and Inflation," Canadian Tax Foundation, Proceedings of the Twenty-fourth Tax Conference, 1972.
22. (With John D. Bossons) "Adjusting Tax Rates for Inflation," Canadian Tax Journal, May-June 1973.
23. (With L.D. Taylor and S.J. Turnovsky) The Inflationary Process in North American Manufacturing, Ottawa, Information Canada, 1973.
24. (With G.V. Jump) "Canadian Fiscal Policy, 1973-74," Canadian Tax Journal, January/February, 1974.
25. (With W.S. Comanor) "Advertising and the Distribution of Consumer Demand," in S.F. Divita (ed.), Advertising and the Public Interest, American Marketing Association, Chicago, 1974, pp. 59-71.
26. (With W.S. Comanor) Advertising and Market Power, Harvard University Press, Cambridge, Mass., 1974.
27. (With G.V. Jump) "Macro-economic Effects of the Energy Crisis 1974-75," Canadian Public Policy/Analyse de Politiques, Winter 1975, pp. 30-38.
28. (With G.V. Jump) "Macro-economic Effects of Federal Fiscal Policies, 1974-75," Canadian Tax Journal, January/February 1975.
29. (With G.V. Jump) "Economic Effects of Provincial Fiscal Policies, 1975-76," Canadian Tax Journal, May/June 1975.
30. (With G.V. Jump) "Fiscal Policy in Recession and Recovery, 1975-76," Canadian Tax Journal, March/April, 1976.
31. "Commentary on Advertising and the Firm," in D.G. Tuerck (ed.), Issues in Advertising, American Enterprise Institute, 1978, pp. 124-30.

32. (With G.V. Jump) "Restrictive Fiscal Policies in Perspective, 1976-77," Canadian Tax Journal, May/June, 1977.
33. "The Province and Stabilization Policy," in Ontario Economic Council, Issues and Alternatives - 1977 Intergovernmental Relations, Toronto, 1977, pp. 123-136.
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37. (With G.V. Jump) The Influence of the Anti-Inflation Program on Aggregate Wages and Prices: A Simulation Analysis, Anti-Inflation Board, Ottawa, 1979.
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39. (With G.L. Reuber) "The Merger Provisions: An Evaluation," in Prichard, Stanbury, and Wilson, op. cit., pp. 255-267.
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41. (With W.S. Comanor) "On the Economics of Advertising: A Reply to Bloch and Simon," Journal of Economic Literature, September 1980, pp. 1075-78.
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44. "Forecasting vs. Policy Analysis and the Art of Economic Forecasting: Some Observations," Economic Policy Review, vol. 3, No. 2, pp. 13-30, Institute for Policy Analysis, University of Toronto, 1981.

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51. "Otto Eckstein: Applied Economist Par Excellence," Review of Economics and Statistics, November 1984.
52. "Altering the Fiscal Policy Mix: Credible Policies to Reduce the Federal Deficit" (with Peter Dungan), Canadian Tax Journal, 33, No. 2 March/April 1985, pp. 309-19.
53. "The Fiscal Stance and the Economic Outlook: The Short-term Impact, in D.D. Purvis, (ed.), Report of the Policy Forum on the May 1985 Federal Budget, Kingston, John Deutsch Institute for the Study of Economic Policy, July, 1985, pp. 1-5.
54. "The 1985 Federal Budget: Macroeconomic and Fiscal Effects" (with M.E. MacGregor) Canadian Public Policy/Analyse de Politiques, Vol. XI, No. 3, (Sept. 1985) pp. 602-616.
55. "Lessons of the Recession," Presidential Address delivered to the 1985 meetings of the Canadian Economics Association, Canadian Journal of Economics, XVIII, No. 4, November 1985, pp. 693-722.
56. "Savings in Canada: Retrospective and Prospective" (with G.V. Jump) in John Sargent, (ed.), Economic Growth: Prospects and Determinants, Toronto, University of Toronto Press, 1986, pp. 129-91.
57. "Impact of Public Sector Wage Controls on Budget Deficits and Inflation" (with D.P. Dungan), in D.W. Conklin, T.J. Courchene, and W. Jones, (Eds.), Public Sector

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 59. "The Macroeconomic Effects of the 1986 Budget" (with M.E. MacGregor), Canadian Tax Journal, 34, No.2, May-June 1986, pp. 563-587.
 60. "The Corporate Income Tax Proposals: Reform or Retrogression" in Jack M. Mintz and Douglas D. Purvis (Eds.) Report of the Policy Forum on the Corporate Income Tax System, Kingston, John Deutsch Institute, November 1985, pp. 15-30 (Publication released early in 1987).
 61. "Modelling Anticipated and Temporary Fiscal Policy Shocks in a Macro-Econometric Model of Canada" (with D.P. Dungan). Canadian Journal of Economics, February 1988.
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 64. Co-editor (with L. Waverman) of a special issue of Canadian Public Policy - Analyse de Politiques on Macroeconomic Co-ordination and the Summit XV Supplement, February 1989 pp. 99.
 65. "Introduction: Is the Process the Message?" (with L. Waverman) Ibid, pp. S1-S9.
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81. "Alternatives to the Goods and Services Tax", (with Jack Mintz) Policy Options, Vol 14, No. 8, pp. 40-43 (1993).
82. "Sales Tax Harmonization: The Key to Simplification", (with Jack Mintz and Pierre Pascal Gendron) Tax Notes International, 8(10) Mar 7, 1994 pp 661-678.

83. Public Debt and the Macro-Economy (with D. P. Dungan). A report for the Government and Competitiveness Project (94-02) School of Policy Studies, Queen's University, 1994, pp. 179.
84. "The Sources of the Recession in Canada: 1989-1992", (with P. Dungan and S. Murphy). Canadian Business Economics 2(2), 1994, pp. 3-15.
85. "Tax System of Canada" (with R. M. Bird and D. B. Perry), Tax Notes International, Jan 9, 1995 pp. 152-180 (Invited paper).
86. "Options for the Goods and Services Tax" (with Jack Mintz) Canadian Business Economics, 3(1), 1995, pp. 27-36.
87. The Future of Telecommunications Policy in Canada (co-edited with S. Globerman and W. T. Stanbury), Bureau of Applied Research Faculty of Commerce, University of British Columbia and Institute for Policy Analysis, University of Toronto, 1995, pp 521.
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121. "The 2003 Federal Budget: A Quantitative Appraisal" with Peter Dungan and Steve Murphy) in C. M. Beach and T. A. Wilson (Eds.) The 2003 Federal Budget: Conflicting Tensions 2004, pp. 51-64
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131. "Taxation of Income From Property and Capital Gains", in Heather Kerr, Ken McKenzie and Jack Mintz (Eds.), Tax Policy in Canada, Toronto, Canadian Tax Foundation, 2012, pp 6:1-6:36 (with K. A. Siobhan Monaghan)

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11. "The Macro-Economic Effects of the Proposed Federal Goods and Services Tax", (with Peter Dungan), Policy and Economic Analysis Program, Institute for Policy Analysis, Policy Study #89-9, September, 1989.
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19. "Sources of the Recession in Canada: 1989-1992", (with Peter Dungan and Stephen Murphy) Policy and Economic Analysis Program, Institute for Policy Analysis, Policy Study #93-2, May, 1993.
20. "Sources of the Recession in Canada and Ontario: An Analysis of the Aggregate and Sectoral Levels" (with Peter Dungan and Steve Murphy) Policy and Economic Analysis Program, Institute for Policy Analysis, Policy Study #93-5, November, 1993.

21. "Revenue Effects of the Lifetime Capital Gains Deductions" (with J. Mintz). A paper presented to the Symposium on the Lifetime Capital Gains Deduction, Toronto, Institute for Policy Analysis, Jan 27, 1994.
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49. "Long Term Outlook for the Canadian Economy: National Projection Through 2025" (with P. Dungan and S. Murphy) Policy and Economic Analysis Program, Policy Study 2002-1 (March 2002).
50. Semi-Annual reports on the Canadian Economic outlook for Project LINK (with Peter Dungan and Steve Murphy)

Consulting and Contract Research Experience

Fields:

Economic Forecasting, Fiscal Policy Analysis, Wage-Price Models, Regulatory Proceedings, Competition Policy, Advertising, and Industrial Organization.

Federal Government Agencies:

Royal Commission on Taxation, Dept. of Industry, Dept. of Justice, Prices and Incomes Commission, Dept of Consumer and Corporate Affairs, Anti-Inflation Board, Economic Council of Canada, Dept. of Finance, Royal Commission on the Economic Union and Development Prospects for Canada, Director of Investigation and Research, Canada Revenue Agency.

Other Government Agencies:

Alberta Government, Metro Toronto, Ontario Economic Council, U.S. Treasury, U.S. Bureau of the Census, U.S. Commission on Money and Credit, U.S. Congress Joint Economic Committee.

Private Firms and Non-Profit Institutions:

ARA Consultants, Association of Canadian Distillers, CNCP Telecommunications, Unitel Communications, and AT&T Canada, C.D. Howe Research Institute, Canadian Cable Systems Ltd., Canadian Real Estate Association, Canadian Daily Newspaper Association, Canadian Tax Foundation, Central Ontario Coalition, Data Resources Inc., Institute for Research on Public Policy, Harvard Institute for International Development, John Labatt Ltd., London and St. Thomas Real Estate Board, National Bureau of Economic Research, Ontario Home Builders Association, Social Science Federation of Canada, Powerdirect TV, Telesat Canada, The Stanton Group, Parlee McLaws, Towers Perrin, Union Gas, Canadian Real Estate Association, Esso, Samson Cree Nation, Ducks Unlimited Canada, School of Public Policy (University of Calgary)

Qualifications as an Expert Witness:

I have been qualified as an expert economics witness before the Canadian Radio-Television and Telecommunications Commission, the Ontario Joint Board (Ontario Municipal Board and

Environmental Board), the Competition Tribunal, the Ontario Energy Board and the Federal Court of Canada (Trial Division). I have submitted opinions to the Ontario Superior Court with respect to settlements reached in three separate price fixing actions.

Released under the Access
to Information Act
Communiqué en vertu de la
Loi sur l'accès à
l'information

8

David Barnes, MSW, CMC

David Barnes brings more than 30 years of experience providing leadership, strategic thinking and management consulting to organizations in the non-profit and public sector. As a consultant, he has worked with government ministries both in Ontario and the Yukon, educational institutions, community mental health agencies, child welfare and mental health agencies, as well as other non-profit organizations.

As a facilitator, he has had extensive experience leading large and small scale community engagement initiatives to bring together diverse groups of people to explore difficult topics around a broad range of opinions to come together with a cohesive voice. In addition, he has led focus groups and visioning exercises throughout Southern and Northern Ontario in order to bring stakeholders together to support strategic planning and visioning processes. As a facilitator David has been trained in and utilizes a variety of facilitation methodologies from Appreciative Inquiry, World Café to Open Space Technology.

He has conducted strategic planning initiatives, program and operational reviews in Child Welfare, Children's Mental Health, and many other community based agencies.

- Strategy and Performance
- Process Improvement
- Organizational Design
- Integrated Service Delivery
- Project management
- Change Management
- Recruitment
- Leadership development and training
- Coaching

RELEVANT EXPERIENCE

EXECUTIVE RECRUITMENT

- **Chatham Kent Children's Services** — Conducted an Executive Search for their new Executive Director
- **Children's Aid Society of the District of Thunder Bay**
- **North Eastern Ontario Family and Children's Services**
- **Huron-Perth CAS** — Conducted an Executive Search for an Executive Director
- **Children's Centre of Thunder Bay** — Conducted an Executive Search for their new Executive Director
- **Kawartha Haliburton CAS** — Conducted an executive search for a new Executive Director, followed by a 360 review of the performance of the Executive Director.
- **CAS Sudbury Manitoulin** — Conducted an Executive Search for a new Ex. Director as well as for the Director of Service position.
- **CAS Sudbury Manitoulin** — Conducted an Executive Search for a new Ex. Director (2015)
- **CAS of London and Middlesex** — Conducted an Executive Search for a new Ex. Director

- **Durham Family Court Clinic** — Conducted an Executive Search for the new Executive Director
- **Turning Point Youth Services** — Conducted an Executive Search for a new Executive Director.
- **Jessies Place** – Conducted an Executive Search for a new Executive Director
- **Community Living Toronto** - Supported an CEO search
- **Kidslink Waterloo**.- Conducted an Executive Search for a CFO position.
- **Kidslink Waterloo** – Conducted an Executive Search for a HR position
- **YWCA Sudbury** — Conducted an Executive Search for a new Executive Director

Strategy Planning and Visioning

- **Halton Family Services** — Led a visioning exercise to rethink the future of this agenda and worked with the Board to implement a merger with another Family Service Agency in the Region.
- **Northumberland Children's Services Committee** — Led a strategic planning process with community member agencies
- **Children Youth and Family Services (CYFS) Coalition of Simcoe** — Led a strategic planning process that included 40 agencies that form the Coalition.
- **Family and Children's Services of Waterloo Region** — Led a strategic planning process to complete their Strategic Plan.
- **York CAS** — Led a strategic planning process which included an extensive engagement of staff, Board and community partners.
- **Mary Centre** – Led a strategic planning process
- **Shout Clinic** — Led a strategic planning review of their business model and service delivery system
- **The Phoenix Centre for Children and Youth** — Conducted a strategic planning process that involved an extensive engagement of staff, Board, Community stakeholders.

Mergers, Amalgamations, Feasibility Studies

- **Alzheimer Society of Cambridge** — Conducted a feasibility study to assess the readiness of a potential merger between three Alzheimer Chapters.
- **Kinark Child and Family Services and Etobicoke Children's Centre** — Led a feasibility study to assess the potential merger of the two organizations.
- **Simcoe CAS** — Led a team in completing a feasibility study for a potential merger with Muskoka Child and Family Services.

- **Family and Children's Services of Lanark, Leeds and Grenville** — Led an amalgamation on behalf of the Boards of two CAS's
- **Turning Point Youth Services** - Conducted a feasibility study to explore a potential merger
- **Halton Family Services** - Feasibility Study to explore the amalgamation of two Family Service Agencies

Operational Reviews, Program Reviews and Program Development

- **Kidslink** — Conducted a structural review and a program evaluation of the residential program.
- **Native Child and Family Services** — Led an engagement process to develop a new, integrated assessment model bringing together child welfare and children's mental health.
- **Wellington CAS** — In partnership with the Child Welfare League of Canada, conducted a funding review of the agencies services.
- **NWT Children's Services** — Led a policy review and development of children's services policies in partnership with the Child Welfare League of Canada
- **Turning Point Youth Services** - Conducted a program review of one the program services being offered at Turning Point.
- **Delisle Youth Services** — Led an organizational and Board Review on behalf of the Ministry of Child and Youth Services (MCYS)
- **Yukon Child and Family Services** — Conducted a Child Death Review and an organizational review.
- **Hands, The Family Network** — Conducted a program review of their counselling programs and the management of wait lists.
- **CAS of London and Middlesex** — Program review of their residential services program
- **Dilico Ojibway C&FS** — Led a program review along with a policy review of HR practices
- **OACAS** — Conducted a remoteness study on Child Welfare funding for the two native child welfare agencies above the 50th parallel (Tikangan and Payukotayno)
- **Payukotayno Child and Family Services** — Led an organizational review of programs and services, a capacity building initiative along with a strategic planning process that engaged staff, Board and community elders
- **Robert Smart Centre** — Led a program review of their program services and HR practices.
- **Windsor Essex CAS** — Led an organizational review on behalf of the Board of Directors
- **Woolwich Community Health Care** — Led an efficiency review of their operations to find and implement process efficiencies
- **York Support Services Network** — Led program reviews, leadership coaching and a strategic plan refresh.

- **Northumberland Community Counselling Services** - led an operational review process
- **Payukotayno Child and Family Services** - Led a review of Recruitment and Retention practices

Facilitation, Board Retreats, Team Building

- **Children's Mental Health Agencies in Toronto** — Jointly facilitated a planning session with all the accredited children's mental health agencies in Toronto to prepare a response to Government on Moving on Children's Mental reform.
- **Autism Ontario** — Led team building programs for Senior Management Team along with Coaching Services
- **Adoption Council of Ontario** — Led a Board retreat examining their strategic directions
- **Parkinson Society of Canada** — Led a team to explore new fund raising models between the National Office and the Provincial Chapters
- **Anglican Church of Canada** — Led a national consultation to find solutions to the financial challenges resulting from their role in operating Residential Schools
- **The Brass Bell** — Led a two day Board retreat focusing on refreshing their strategic plan
- **Windsor Essex CAS** — Led an organizational review on behalf of the Board of Directors
- **York Support Services Network** — Led program reviews, leadership coaching and a strategic plan refresh.
- **Simcoe Special Needs strategy** - supported a Special Needs Strategy Planning Table
- **Dufferin Wellington Special Needs Strategy** . Facilitated a planning table to develop a proposal for coordinated services and integrated rehab
- **James Bay Coastal Region** - Facilitated a planning table to develop a proposal for coordinated services and integrated rehab
- **Waterloo Region** - Facilitated a planning table to develop a proposal for coordinated services and integrated rehab
- **Halton family Service** - Facilitated a Board Retreat

Change Management

- **Homes First** — Led a major change management initiative in this large supportive housing organization in Toronto.
- **Haldimand-Norfolk CCAC** — Conducted a change management workshop to support the senior team through an amalgamation process
- **Radius Child and Youth Services** - Led a change management project to work on the challenges faced by the organization, post merger

Project Development and Management

- **Customary Care Project** — Led a project team on behalf of the Child Welfare Secretariat to develop a Customary Care Process Guide for the province and deliver training sessions around the province.
- **Tikangan Child and Family Services** — Developed a partnership to create an innovative project around raising social investment funds to build homes for care providers so that children coming into care, can be placed closer to their home communities.

PROFESSIONAL EXPERIENCE

2000 – Present	<i>Barnes Management Group Inc. – Founder</i>
2012 – 2015	<i>Lough Barnes Consulting Group Inc. – Founding Partner,</i>
1998 – 2000	<i>Homes First – Executive Director</i>
1988 – 1998	<i>Toronto Catholic CAS (CCAS) – Director of Service</i>
1978 – 1988	<i>York Region CAS – Director of Service</i>
1977 – 1988	<i>Waterloo Child and Family Service – Family Service Worker</i>

PROFESSIONAL ORGANIZATIONS

- Member of the Canadian Management Consultants with a CMC designation
- Member of a Supportive Housing Advisory Committee for the Ontario Non-Profit Housing Association, 1999
- Member, Board of Directors, Hincks Treatment Centre, 1993-1997
- Member, Board of Directors, Special Committee for Child Abuse, 1990
- Member, Provincial Child Mortality Task Force, 2000

EDUCATION

- M.S.W. in Individual, Family, Group and Community development from Wilfrid Laurier University (1976)
- BA, Psychology, McMaster University (1974)
- YORK UNIVERSITY – Intensive Leadership Development Program, (1996)

■ Certified trainer in Myers Briggs, DISC, (2000)

**FIRST NATIONS CHILD AND FAMILY
CARING SOCIETY OF CANADA**

Complainants

-and-

ATTORNEY GENERAL OF CANADA

**Respondent
Docket: T1340/7008**

**CANADIAN HUMAN RIGHTS
TRIBUNAL**

**AFFIDAVIT OF THOMAS A. WILSON AND
DAVID BARNES**

**FALCONERS LLP
Barristers-at-Law
10 Alcorn Avenue, Suite 204
Toronto, ON M4V 3A9**

**Julian N. Falconer (L.S.U.C.#29465R)
Akosua Matthews (L.S.U.C.#65621V)**

**Tel: (416) 964-0495
Fax: (416) 929-8179**

**Lawyers for the Interested Party, Nishnawbe
Aski Nation ("NAN")**

CANADIAN HUMAN RIGHTS TRIBUNAL**BETWEEN:**

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and
ASSEMBLY OF FIRST NATIONS**

Complainants**-and-****CANADIAN HUMAN RIGHTS COMMISSION****Commission****-and-**

**ATTORNEY GENERAL OF CANADA
(representing the Minister of Indigenous and Northern Affairs Canada)**

Respondent**-and-**

**CHIEFS OF ONTARIO and
NISHNAWBE ASKI NATION**

Interested Parties

**AMENDED NOTICE OF MOTION FOR IMMEDIATE RELIEF
OF THE INTERESTED PARTY NISHNAWBE ASKI NATION ("NAN")**

FALCONERS LLP
Barristers-at-Law
10 Alcorn Avenue, Suite 204
Toronto, Ontario M4V 3A9

Tel.: (416) 964-0495
Fax: (416) 929-8179

Julian N. Falconer (L.S.U.C. No. 29465R)
Akosua M. Matthews (L.S.U.C. No. 65621V)

**Lawyers for the Interested Party,
Nishnawbe Aski Nation (NAN)**

TO: **CANADIAN HUMAN RIGHTS TRIBUNAL**
Attn: Dragisa Adzic, Registry Officer
160 Elgin Street, 11th Floor
Ottawa, ON K1A 1J4

AND TO: **Jonathan Tarlton, Melissa Chan**
Atlantic Regional Office
JUSTICE CANADA
Duke Tower, 5251 Duke Street, Suite 1400
Halifax, NS B3J 1P3
Phone: (902) 426-5959
Fax: (902) 426-8796

Counsel for the Respondent, the Attorney General of Canada

AND TO: **Anne Levesque, David P. Taylor, Sébastien Grammond & Sarah Clarke**
JURISTES POWER | POWER LAW
130 Albert Street, Suite 1103
Ottawa, ON K1P 5G4
Phone: (613) 702-5568
Fax: 1 (888) 404-2227

Counsel for the Complainant,
First Nations Child and Family Caring Society of Canada

AND TO: **David C. Nahwegahbow**
NAHWEGAHBOW, CORBIERE
Genoodmagejig/Barristers & Solicitors
5884 Rama Road, Suite 109
Rama, ON L3V 6H6

Stuart Wuttke
ASSEMBLY OF FIRST NATIONS
55 Metcalfe Street, Suite 1600
Ottawa, ON K1P 6L5
Phone: (613) 241-6789
Fax: (613) 241-5808

Co-Counsel for the Complainant, Assembly of First Nations

AND TO: **Daniel Poulin & Samar Musallam**
Litigation Services Division
Canadian Human Rights Commission
344 Slater Street, 9th Floor
Ottawa, ON K1A 1E1

Phone: (613) 947-6399
Fax: (613) 943-3089

Counsel for the Canadian Human Rights Commission

AND TO: **Maggie Wente**
Olthuis, Kleer, Townshend LLP
250 University Avenue, 8th floor
Toronto, ON M5H 3E5
Tel: (416) 981-9330
Fax: (416) 981-9350

Counsel for the Interested Party, the Chiefs of Ontario

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TAB

Tab 1

DOCUMENT

Amended Notice of Motion

Docket: T1340/7008

CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and
ASSEMBLY OF FIRST NATIONS**

Complainants

-and-

**ATTORNEY GENERAL OF CANADA
(representing the Minister of Indigenous and Northern Affairs Canada)**

Respondent

-and-

**CHIEFS OF ONTARIO and
NISHNAWBE ASKI NATION**

Interested Parties

**AMENDED NOTICE OF MOTION
(Motion for Immediate Relief)**

TAKE NOTICE that the Interested Party, Nishnawbe Aski Nation ("NAN"), will make a motion to the Canadian Human Rights Tribunal at 160 Elgin Street, 11th floor, Ottawa, Ontario, on Wednesday March 22, 2016 at 9:30 a.m. or as soon thereafter as it may be heard.

The motion is made under Rule 3 of the *Canadian Human Rights Tribunal Rules of Procedure*, and is for orders under Rules 1(6), 3(1), and 3(2)(d) and pursuant to the Canadian Human Rights Tribunal's continuing jurisdiction in this matter. The proposed motion will be heard orally.

THE MOTION IS FOR immediate relief for Indigenous children in need in remote northern communities, as follows:

Remoteness Quotient

1. The Tribunal's September 14, 2016 decision¹ on immediate relief ("September Decision on Immediate Relief") ruled in support of NAN's position that a "remoteness quotient needs to be developed as part of medium to long term relief and that data needs to be appropriately collected."² While NAN acknowledges the Tribunal's direction that the development of a remoteness quotient is medium to long-term relief, it is essential that the initial steps, such as the appointment of experts and the gathering of data be done in the immediate term. Further, the remoteness data in the *Barnes Report* can be applied as an interim remoteness quotient.
2. The Tribunal's September Decision on Immediate Relief ordered "INAC to provide detailed information in its compliance reports to clearly demonstrate how it is determining funding for remote FNCFS Agencies that allows [remote agencies] to meet the actual needs of the communities they serve".³ In the same decision, the Tribunal re-stated the Respondent's agreement to "engage on undertaking and providing support for research"

¹ 2016 CHRT 16

² Para 80, 2016 CHRT 16

³ Para 81, 2016 CHRT 16

on a remoteness quotient.⁴ Additionally, the Tribunal directed that a remoteness quotient would be discussed at the November case management conference.

3. In the Respondent's October 31, 2016 compliance report, INAC conceded that they do not account for remoteness in funding the needs of Indigenous children in remote northern communities in Ontario. INAC further conceded that they do not have or currently collect sufficient data/information to create a remoteness quotient.⁵
4. The Respondent has not committed to funding jointly-appointed experts to obtain remoteness data and to develop a remoteness quotient.
5. The November Case Management Conference did not result in any immediate relief for northern and remote communities.
6. Without robust remoteness data, funding to remote and northern agencies will continue to be fundamentally inadequate in addressing the real costs of service delivery in the north.
7. In upholding the Tribunal's September Decision on Immediate Relief and in recognition of the fact that northern communities will continue to receive resources that do not meet actual needs, NAN seeks an order for the following immediate relief:
 - a. that the Respondent apply the remoteness quotients identified in the *Barnes Report*, to all funding for Payukotayno James and Hudson Bay Family Services, Tikinagan Child and Family Services and Kunowanimano Child and Family Services ("NAN-mandated child welfare agencies"); and,
 - b. that the Respondent fund jointly-appointed experts to: (1) obtain remoteness

⁴ Para 80, 2016 CHRT 16

⁵ Page 9, Section G, INAC October 31, 2016 Compliance Report

data; and (2) develop a remoteness quotient;

- c. that the Respondent disclose any and all data collected by INAC with respect to the geography, demographics, and socioeconomic characteristics of First Nation communities that is relevant to an analysis of remoteness, community needs, and/or child welfare infrastructure;
- d. that the Respondent disclose any and all data held by Health Canada with respect to remoteness expenses in the context of providing health services to First Nations;
- e. that the Respondent disclose any and all data held by Public Safety Canada with respect to remoteness expenses in the context of providing policing services to First Nations;
- f. that the Respondent fund an immediate update of the Barnes Report, using data from the 2006 census, 2011 national household survey, and from INAC, as set out in the Affidavit of Thomas A. Wilson and David Barnes;
- g. that the Respondent fund a second update of the Barnes Report, using data from the 2016 census and from INAC, when the 2016 data becomes available, as set out in the Affidavit of Thomas A. Wilson and David Barnes;
- h. that the Respondent fund the design and implementation of a direct survey of First Nations in northern Ontario with respect to community child welfare needs and infrastructure, as set out in the Affidavit of Thomas A. Wilson and David Barnes; and
- i. that the Respondent fund the collection of all data set out in paragraph 21 of the Affidavit of Thomas A. Wilson and David Barnes, for analysis and use in the development of a more robust remoteness coefficient in the medium-to-long term.

8. NAN's written immediate relief submissions, summarized in our November 2016 Case

Management Submissions, outlined the Tribunal's broad remedial powers under the *Canadian Human Rights Act*.⁶ In particular, the Tribunal has the jurisdiction to order a "special program, plan or arrangement" and to order the collection of information in support of a special program, plan or arrangement. The Tribunal has the jurisdiction to issue the requested orders under subsections 16(1), 16(3) and 53(2) of the *Canadian Human Rights Act*.

Agency Debt Relief

9. In the Tribunal's January 26, 2016⁷ ruling ("the January Liability Decision"), the Tribunal found that "In the provision of child and family services, the Panel finds the situation in Ontario falls short of the objective of the *1965 Agreement* "...to make available to the Indians in the Province the full range of provincial welfare programs"". ⁸
10. In the Tribunal's September Decision on Immediate Relief, the Tribunal agreed with NAN "that while a robust, empirically-based remoteness quotient is being developed, adjustments reflecting northern remoteness realities can be undertaken in the immediate term." ⁹
11. NAN proposed that alleviating the funding shortfalls of NAN-mandated child welfare agencies would be an effective immediate relief adjustment.
12. The Tribunal directed that this topic would be discussed at the November case management

⁶ See NAN's November 2016 Case Management Submissions

⁷ 2016 CHRT 2

⁸ Para 246, 2016 CHRT 2

⁹ Para 81, 2016 CHRT 16

conference.

13. INAC has not specifically addressed NAN's proposal regarding funding the debts and deficits of NAN-mandated child welfare agencies.
14. The November Case Management Conference did not result in any immediate relief for northern and remote communities.
15. In upholding the Tribunal's January Liability Decision and the September Decision on Immediate Relief, and in recognition of the fact that northern and remote Agencies remain chronically underfunded, NAN seeks an order for the following immediate relief:
 - a. **that the Respondent fund the current debts and deficits of all NAN-mandated child welfare agencies.**
16. NAN's written immediate relief submissions, summarized in our November 2016 Case Management Submissions, outlined the Tribunal's broad remedial powers under the *Canadian Human Rights Act*.¹⁰ The Tribunal has the jurisdiction to issue the requested orders under subsections 16(1), 16(3) and 53(2) of the *Canadian Human Rights Act*.

Capital Infrastructure

17. In the Tribunal's September Decision on Immediate Relief, the Tribunal ruled that "until the broader issue of infrastructure needs under the *1965 Agreement* can be fully reviewed, INAC should develop an interim strategy to deal with the infrastructure needs of FNCFS Agencies."¹¹ The Tribunal further directed that this topic would be discussed at the

¹⁰ See NAN's November 2016 Case Management Submissions

¹¹ Para 97, 2016 CHRT 16

November case management conference.

18. In the Respondent's October 31, 2016, compliance report, the Respondent did not commit to an immediate first step in assessing capital infrastructure needs, aside from waiting for a response from Agencies to an October 28, 2016 letter of engagement by a June 30, 2017 deadline.¹²
19. The Respondent's October 28, 2016 letter of engagement to collect Agency-specific information, is not a replacement for a comprehensive assessment of capital infrastructure needs. Additionally, a June 30, 2017 timeframe is not *immediate* relief.
20. The November Case Management Conference did not result in any immediate relief for northern and remote communities.
21. In upholding the Tribunal's September Decision on Immediate Relief for an interim strategy to deal with infrastructure needs, NAN seeks an order for the following immediate relief:
 - a. **that the Respondent fund a Capital Needs Assessment Study for all NAN-mandated child welfare agencies.**
22. NAN's written immediate relief submissions, summarized in our November 2016 Case Management Submissions, outlined the Tribunal's broad remedial powers under the *Canadian Human Rights Act*.¹³ The Tribunal has the jurisdiction to issue the requested order under subsections 16(1), 16(3) and 53(2) of the *Canadian Human Rights Act*.

¹² Page 30, Section C, INAC October 31, 2016 Compliance Report

¹³ See NAN's November 2016 Case Management Submissions

Mental Health Services in Ontario

23. The Interested Party, the Chiefs of Ontario (“COO”), filed a Notice of Motion on November 22, 2016, seeking the following orders regarding mental health services in Ontario:
- a. **An order that the Respondent INAC has failed to comply with the Tribunal’s order at 2016 CHRT 2, in that the Respondent has not funded mental health services under the *Child and Family Services Act* R.S.O. 1990 c. c-11.**
 - b. **An order that the Respondent INAC immediately fund mental health services in Ontario pursuant to the *Child and Family Services Act*, R.S.O. 1990 c. c-11 and any act which amends or replaces that Act.**
24. NAN also seeks the above noted relief.
25. Subsequent to COO’s November 22, 2016, Notice of Motion, in early January 2017, two 12-year old girls died by suicide in Wapekeka First Nation (“Wapekeka”), located within NAN territory. Jolynn Winter died on January 8, 2017, and Chantel Fox died on January 10, 2017. In July 2016, Wapekeka alerted the Federal Government to concerns about a suicide pact amongst a group of young females and submitted a request to the Federal Government for funding for a mental health team in the community. This funding request was refused.
26. The herein notice of motion is amended to specifically address the issue of mental health services in Ontario and the current crises in NAN communities, as tragically demonstrated in Wapekeka. In support of the herein amended notice of motion, NAN is filing an affidavit

sworn by Doctor Michael Kirlew ("Dr. Kirlew"). Dr. Kirlew is a community and family physician for Wapekeka First Nation, a Staff Physician at the Sioux Lookout Meno Ya Win Health Center, and an Investigating Coroner for Ontario's northwest region.

27. Such further and other relief as this Tribunal may deem appropriate.

AND FURTHER TAKE NOTICE that the following documents will be referred to in support of such motion:

28. The Factum of the Interested Party, Nishnawbe Aski Nation;
29. An Affidavit of NAN Deputy Grand Chief Anna Betty Achneepineskum, to be sworn on or before December 20, 2016;
30. An Affidavit of Bobby Narcisse, NAN Director of Social Services, to be sworn on or before December 20, 2016;
31. An Affidavit by the Executive Directors (or their representatives) of the NAN-mandated child welfare agencies, to be sworn on or before December 20, 2016;
32. The Affidavit of Thomas A. Wilson and David Barnes, sworn January 27, 2017;
33. The Affidavit of Doctor Michael Kirlew, sworn January 27, 2017;
34. The Respondent's Compliance reports dated September 30, 2016 and October 31, 2016; and,
35. Such further and other material as Counsel may advise and may be permitted.

AND FURTHER TAKE NOTICE that the said motion shall be made on the following grounds:

36. The Tribunal's January Liability Decision found that "In the provision of child and family

services, the Panel finds the situation in Ontario falls short of the objective of the *1965 Agreement* "...to make available to the Indians in the Province the full range of provincial welfare programs";

37. The Tribunal reiterated this finding in its September Decision on Immediate Relief;
38. The Tribunal ordered that remedies would be addressed in three stages: immediate, medium and long-term. This motion only addresses immediate relief;
39. The Parties have filed fulsome immediate relief submissions;
40. Specific immediate relief for remote and northern communities has not been implemented;
41. The Tribunal has sought further information from the Respondent to the Tribunal's September Decision on Immediate Relief;
42. The Respondent filed two compliance reports, the first on September 30, 2016 and the second on October 31, 2016;
43. The Respondent's compliance reports did not produce specific immediate relief for northern and remote communities;
44. The Respondent's October 28, 2016 letter of engagement to collect Agency-specific information is not a substitute for appointing experts to develop a remoteness quotient or capital needs assessment studies;
45. The November case management conference did not produce specific immediate relief for northern and remote communities;

46. The Tribunal has the jurisdiction to issue the requested orders under subsections 16(1), 16(3) and 53(2) of the *Canadian Human Rights Act*;
47. NAN relies on Rules 1(1), 1(2), and 1(4) in support of the amendments to this notice of motion. These amendments pose no prejudice to any party to these herein proceedings. These amendments particularize relief already sought in this immediate relief motion and identify information that was not known at the time of the original November 22, 2016 notice of motion;
48. Rules 1(6), 3(1), and 3(2)(d) of the *Canadian Human Rights Tribunal Rules of Procedure*; and,
49. Such further and other grounds as counsel may advise and may be permitted.

Dated: November 22, 2016
Amended: January 27, 2017

FALCONERS LLP
Barristers-at-Law
10 Alcorn Avenue, Suite 204
Toronto, Ontario M4V 3A9

Tel.: (416) 964-0495
Fax: (416) 929-8179

Julian N. Falconer (L.S.U.C. No. 29465R)
Akosua Matthews (L.S.U.C. No. 65621V)

Counsel for the Interested Party
Nishnawbe Aski Nation ("NAN")

CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and
ASSEMBLY OF FIRST NATIONS**

Complainants

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

ATTORNEY GENERAL OF CANADA

(representing the Minister of Indigenous and Northern Affairs Canada)

Respondent

- and -

CHIEFS OF ONTARIO and

AMNESTY INTERNATIONAL CANADA and NISHNAWBE ASKI NATION

Interested Parties

REPLY AFFIDAVIT OF DEPUTY GRAND CHIEF DENISE STONEFISH

1. Deputy Grand Chief Denise Stonefish, of Delaware Nation ~~Motion of the Thames, DO~~
HEREBY SOLEMNLY AFFIRM:

1. I am the Deputy Grand Chief of the Association of Iroquois and Allied Indians and I am the Social Services Portfolio holder for the Chiefs of Ontario ("COO").
2. I have reviewed the affidavit of Cassandra Lang dated January 25, 2017 submitted by the Respondent Canada as evidence on COO's motion (the "Lang Affidavit").
3. I attended the meeting between COO, Canada and Ontario on January 13, 2017 referred to in the Lang affidavit of January 25, 2017 at paragraph 23.
4. The fact that there is a working group between COO, Ontario and does not mean that COO accepts that consultation on funding and programming for Band Representatives, mental health services, or an Ontario Special Study is required before funding these services.
5. While it is true that Chiefs of Ontario is open to discussion about medium and long term plans for such services as well as longer and medium-term reform, in Chiefs of Ontario's view it is not an "either/or" question. There can be funding for immediate service provision to meet urgent needs, at the same time that the parties think about longer term reforms and upcoming funding cycles.
6. I don't agree with the statement at paragraph 24 of the Lang Affidavit that funding for Band Representatives "must be examined as part of the larger national engagement process". I see no reason the funding of a Band Representative program could not be dealt with on an Ontario-only basis immediately, especially given that the funding arrangement under the current 1965 Indian Welfare Agreement is unique to Ontario, and is entirely different from the rest of Canada.
7. COO has been asking for funding for the Band Representative program throughout this

litigation and especially in the remedial portion of the litigation, and in our view no consultation about the program is required.

8. I have reviewed the affidavit of Ms. Robin Buckland dated January 25, 2017 filed by the Respondent. She provided information at paragraph 24 of that affidavit about the overall funding amounts for mental health services in Canada. It is not possible for me to discern from her evidence what level of funding is supporting First Nations in Ontario, nor whether it is comparable service to other Ontarians residing off-reserve.
9. I make this affidavit for the purposes of a motion to the Canadian Human Rights Tribunal regarding Canada's compliance with the Tribunal's orders, and for no other purpose.

AFFIRMED before me at the City of
Toronto, in the Province of Ontario this
29th day of January, 2017.


A Commissioner, etc.



Deputy Grand Chief Denise Stonefish

Tribunal File: T1340/7008

CANADIAN HUMAN RIGHTS TRIBUNAL

B E T W E E N:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA
and ASSEMBLY OF FIRST NATIONS**

Complainants (Moving Party)

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

**ATTORNEY GENERAL OF CANADA
(representing the Minister of Indigenous and Northern Affairs Canada)**

Respondent (Responding Party)

- and -

**CHIEFS OF ONTARIO, AMNESTY INTERNATIONAL CANADA
and NISHNAWBE ASKI NATION**

Interested Parties

**REPLY AFFIDAVIT OF JON THOMPSON
(Affirmed January 30, 2017)**

I, JONATHAN THOMPSON, of the City of Ottawa, in the Province of Ontario AFFIRM:

1. I have personal knowledge of the matters to which I hereinafter affirm, unless the matters are stated to be on my information and belief, in which case, I verily believe them to be true.
2. I have read the Respondent's Affidavit of Cassandra Lang and Affidavit of Robin Buckland, both sworn on January 25, 2017, and I make this Reply Affidavit in reply to both, in support of the complainant's, the Assembly of First Nations, motion.

Reply to the Affidavit of Cassandra Lang

3. The following was stated in the Affidavit of Cassandra Lang at paragraph 28:

“Regarding its national engagement activities, INAC has worked closely with the Assembly of First Nations and the First Nations Child and Family Caring Society to establish the National Advisory Committee, recognizing the important role this body will play in advising the reform process. Following discussions over the past several months, meetings took place on December 6, 2016 and December 15, 2016 to agree on Terms of Reference for the Committee.”

4. The Terms of Reference for the NAC was approved by the Minister on January 17, 2017. The first meeting of the NAC was held on January 24 and 25, 2017.
5. Apart for the negotiations of the Terms of Reference, the AFN has not been meaningfully engaged in INAC proposed reforms to the First Nations Child and Family Services Program. For instance, the AFN was not consulted on INAC's October 28, 2016 questionnaire regarding the needs assessments of CFS Agencies. The questionnaire is limited in scope and is not reflective of the range of shortfalls the Panel ruled on in the January, 2016 ruling. Attached as **Exhibit “A”** is a copy of the October 28, 2016 letter.
6. In addition, the AFN has not been involved in any of INAC's regional engagement activities. On October 27, 2017, the Minister's Special Representative was appointed and has participated in a number of meetings since that date. The scope and nature of these regional discussions is presently unknown to staff at the AFN.
7. A letter was sent to the Minister of Indigenous and Northern Affairs, the Honorable Carolyn Bennett, from Treaty 8 on January 26, 2017 pointing out that they do not support the process taken to address the CHRT Ruling which addressed discriminatory funding for First Nations children on reserve. This letter highlighted that the engagement process will need to respect First Nations cultural processes. This letter reminds the Minister that the CHRT Ruling “...demonstrate the inequalities that have existed for our children and families in terms of funding...” Attached as **Exhibit “B”** is a copy of the Treaty 8's letter.

8. The Statement of Work relating to the Minister's Special Representative appears to be overly broad, for instance, at paragraph 4.1.2, the Minister's Special Representative is to be a member of the National Advisory Committee and undertake work to support the committee. At this point, the Minister's Special Representative is not a member of the National Advisory Committee, and the Terms of Reference of the committee does not contemplate her involvement in any of its work.

Reply to the Affidavit of Robin Buckland

9. The following was stated in the Affidavit of Robin Buckland at paragraph 10:

“Canada also supports a range of health and social services including those which are publicly subsidized for off-reserve children such as summer camps/care programs. Canada also supplements existing on reserve services (e.g., respite care); and funds supports that are required for a particular need (e.g. of band bone conduction hearing aid) and not always specifically covered by a defined program...”

10. Exhibit B of the Affidavit of Robin Buckland provides that the Government of Canada announced a commitment of up to \$382 million in new funding for Jordan's Principle. However, only \$11,460,737.91 has been spent on Jordan's Principle cases. Attached as **Exhibit "C"** is a copy of an email dated January 30, 2017 sent to me by Robin Buckland that references this amount
11. In reply to paragraph 22 of the Affidavit of Robin Buckland, the AFN's participation on Health Canada's Jordan's Principle activities was limited. On December 12, 2016 the AFN wrote to Sony Perron to express our concerns regarding the lack of AFN's involvement in this area. AFN's Chief Executive Officer pointed out that *“In relation to continued good relationship, I was encouraged to be informed about the AFN FNHIB Engagement Protocol. has been important resource and plan to reflect on its objective s as we develop other partnerships for improved health policy...”* The letter also emphasizes that *“...In regards to the application of the engagement protocol and the implementation of Jordan's principle, there is concern that parts of the relationship were overlooked.... ignored the AFN*

Engagement Protocol” Attached as **Exhibit “D”** is a copy of the Engagement Protocol.
Exhibit “E” is AFN’s letter.

12. On December 30, 2016 AFN received a response from Health Canada acknowledging the shortfall. Health Canada invited the AFN to co-chair a working group on Jordan’s principle, which the AFN accepted. Attached as **Exhibit “F”** is a copy of Health Canada’s response letter.
13. I make this affidavit in support of the complainant’s motion, the AFN, and for no other purpose.

AFFIRMED BEFORE ME at
Ottawa, in the Province of Ontario,
on 30th day of January, 2017



Notary Public, Commissioner of Oaths.
Violet Ford (LSUC No. 60899K)

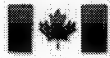
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Jonathan Thompson

The following is Exhibit "A"
referred to in the Reply Affidavit of Jonathan Thompson
affirmed before me on the 30th day of January 2017.

A handwritten signature in dark ink, appearing to read "Violet Ford", is written over a horizontal line.

A Commissioner, etc.
Violet Ford, LSUC #60899K



Indigenous and
Northern Affairs Canada

Affaires autochtones
et du Nord Canada

October 28, 2016

Letter sent via electronic mail

Dear First Nations Child and Family Services Agencies (Executive Directors, Directors, and Managers,

In response to the January 26, 2016 Canadian Human Rights Tribunal decision and the Truth and Reconciliation Commission's Calls to Action, Indigenous and Northern Affairs Canada (INAC) has committed to reform the First Nations Child and Family Services Program (the Program) to address child welfare on reserve. To ensure that our work reflects the needs of all partners, we are engaging with First Nations, provincial and territorial partners, as well as service providers and other experts. We are looking forward to reaching out in the coming weeks to share information about our engagement approach and how we intend to connect with partners and stakeholders.

The purpose of this letter is to offer you two one-time funding opportunities as a part of the engagement and reform process. These two opportunities are available for each Agency and you may apply for one or both of those opportunities.

The funding opportunities are explained in more detail below but in summary are as follows:

Part 1) INAC will fund \$25,000 for you to provide INAC with information about your Agency's distinct needs and circumstances to inform our thinking on new funding approaches; and/ or

Part 2) INAC will fund up to \$75,000 to develop and implement culturally-based programs and tools for the community (ies) that your Agency serves.

INAC is aware that many agencies are already working in partnership to determine how to address their needs and circumstances as well as to develop and implement culturally-based programs and tools. INAC will support agencies partnering together, and working with other First Nations organizations, to coordinate their participation in this process, given work underway, in various regions.

Part 1: Distinct needs and circumstances

As part of the engagement and reform process, INAC will be examining funding approaches that equip service providers to best address the needs of children and families in the communities they serve. As part of this process, INAC would like to invite you to provide information about your agency's distinct needs and circumstances, the associated costs to meet these needs, and the factors that impact the way you deliver child and family services. This information will help INAC to better understand the reality on the ground, and inform the path forward.



To support you to gather this information, INAC will provide \$25,000 for each agency through your regional INAC office. Please contact them directly. Ideally we would like to receive this information on your needs by June 30, 2017.

INAC is open to agencies describing their actual needs, and the funds required to meet those needs, as they know them best. Some examples of areas agencies may wish to provide information on include:

- 1) The agency's ability to provide prevention services and programs to maintain children safely in their family environment
- 2) The percentage of children in care and families in need in the communities served
- 3) Understanding what services are available in the community and the need for accessing services off-reserve
- 4) The prevention and post-care needs of children and families (e.g. cultural programming, early intervention, prevention, after care services.)
- 5) How remoteness and geographic isolation impacts an agency's ability to provide services (e.g. with respect to travel costs, higher costs of living, other additional costs)
- 6) The caseload ratios of protection and prevention workers needed to provide services and/or achieve results for communities
- 7) How to better understand and mitigate issues of recruitment, retention and training of agency staff
- 8) Needs and options for how best to operate a small agency
- 9) The scope and range of legal fees needed to support children in care
- 10) Building/ capital repair needs
- 11) Any other areas of need and/or particular circumstances you deem applicable to community needs in the area that you serve.

Part 2: Culturally-based programs and tools development and improvement

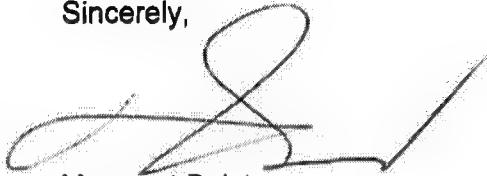
INAC will make available up to \$75,000 for each interested agency to support their development or updating and implementation of:

- a) A culturally-based vision for your programming and service work (e.g., Touchstones of Hope), and/or
- b) Culturally-based child and family service standards/ evaluation mechanisms, and/ or the delivery of programs, development of prevention tool-kits, best practices guides, etc.

This funding will be proposal-based and is available in either 2016-2017 or 2017-2018. Your regional INAC office will be pleased to provide you more detail. For reporting purposes, INAC is interested in receiving documentation that details your visioning work and/ or the program activities or practices work your agency has developed.

We continue to support your work providing child and family services rooted in a culturally respectful and community-based understanding for the needs of healthy children, families and communities as a whole. Throughout the broader Program reform engagement process, INAC will continue to gather information on agency needs and circumstances and want to ensure that we hear from all agencies and service providers. We welcome all suggestions for engaging at the community level that you may have.

Sincerely,

A handwritten signature in black ink, appearing to be 'Margaret Buist', written over a horizontal line.

Margaret Buist

C.c. Provincial or Yukon Government area(s) responsible for Child and Family Services

C.c. INAC Regional Director Generals

The following is Exhibit "B"
referred to in the Reply Affidavit of Jonathan Thompson
affirmed before me on the 30th day of January 2017.

Violet Ford

A Commissioner, etc.
Violet Ford, LSUC #60899K



Released under the Access
to Information Act
Libéré en vertu de la
Loi sur l'accès à
l'information

Treaty 8 First Nations of Alberta

**To Protect, Promote, Bring to Life, Implement, and Sustain the True Spirit and Intent of
Treaty No. 8 as long as the sun shines, the grass grows, and the waters flow.**

c/o Santa Fe Plaza
18178 – 102 Avenue
Edmonton, Alberta T5S 1S7
Telephone: (780) 444-9366 Fax: (780) 484-1465
www.treaty8.ca

January 26, 2017

Via email: carolyn.bennett@parl.gc.ca

Honourable Carolyn Bennett
Minister of Indigenous and Northern Affairs, P.C., M.P.
10 Wellington Street
Ottawa, Ontario, K1A 0H4

RE: Ministerial Special Representative (MSR) for First Nations Child and Family Services Reform

Dear Minister Bennett:

We are writing in response to your appointment of the MSR, Dr. Cynthia Wesley-Esquimaux, to lead a national engagement process on the reform of the First Nations Child and Family Services program.

Dr. Cynthia Wesley-Esquimaux met with a delegation of Treaty 8 representatives composed of Treaty 8 Chiefs, delegated First Nation agency directors, Elders, youth and parents on January 17th and 18th, 2017, in the Treaty 8 Territory of Alberta.

We appreciate the mandate given to the MSR to reform First Nations Child Welfare, however, we do not support the process taken to address the CHRT ruling of January 26, 2016 which addressed the discriminatory funding for First Nations children on reserve. It is our sincere hope that the engagement process with the MSR will respect our unique cultural processes and make a difference in the lives of our children by incorporating the recommendations put forth by our First Nations people.

During the meetings with the MSR, a copy of a proposed business plan to establish an "off reserve" Urban office was provided to the MSR. This First Nation child and family services urban office would serve Treaty 8 members residing off reserve and also provide on-reserve prevention services. We believe providing services to our people regardless of residence will reform the Treaty 8 First Nation Child Welfare program that enables our people to take responsibility and care of our families regardless of location. The Treaty 8 communities, with the support of the Treaty 8 Leadership and Elders have asked both the Federal and Provincial governments to respect and recognize our sovereignty and responsibilities to and for our citizens, including the children. This respect and recognition comes with an understanding of the spirit of reconciliation.

Page 2 of 2

Letter to: Minister Bennett


January 26, 2017

The CHRT ruling demonstrates the inequalities that have existed for our children and families in terms of funding. It is now imperative that the Ministry of Indigenous and Northern Affairs invests the necessary funds to provide equitable services for our children and families both on and off Reserve.

On behalf of the Treaty 8 First Nations [Alberta], we would be honored to meet with you to discuss our proposal and other initiatives the Treaty 8 communities are pursuing in reference to Children and Families. Please have your office contact our Chief Operating Officer, Joseph Jobin to discuss potential dates for a delegation of Treaty 8 Chiefs to meet with you preferably before fiscal year end.

In closing, we share the words of Nelson Mandela *"There can be no keener revelation of a society's soul than the way in which it treats its children"*.

In the True Spirit and Intent of Treaty,



Chief Rupert Meneen
Grand Chief
Treaty 8 First Nations of Alberta

Copy to: Treaty 8 Chiefs [Alberta]
Honourable Justin Trudeau, Prime Minister of Canada
Jim Sisson, Regional Director General - Alberta Region INAC

HEAD OFFICE
Tallcree Tribal Government
P.O. Box 100
FORT VERMILLION, Alberta T0H 1N0
Telephone: (780) 927-3727 Fax: (780) 927-4375

A0455890_11-001322

The following is Exhibit "C"
referred to in the Reply Affidavit of Jonathan Thompson
affirmed before me on the 30th day of January 2017.

A handwritten signature in dark ink, appearing to read "Violet Ford", is written over a horizontal line.

A Commissioner, etc.
Violet Ford, LSUC #60899K

Jon Thompson

From: Robin Buckland <robin.buckland@hc-sc.gc.ca>
Sent: Friday, January 27, 2017 4:16 PM
To: Jon Thompson
Cc: Cole, Katherine (HC/SC) (katherine.cole@canada.ca); Jacques Néron
Subject: Re: JP

Jon,

Sorry for the delay in getting back to you. I'm just back from Winnipeg. Hope you are well.

As of January 13, 2017 1,528 children have been identified with unmet needs and have been approved for coverage for services and/or supports. To date, the total approved coverage for services and supports is \$11,460,737.91.

Please feel free to call if further info is required.

Hope you have a restful weekend Jon.

Robin Buckland, RN MScN
Executive Director/Directrice Exécutive
Office of Primary Health Care/Bureau des soins de santé primaires
Population Health and Primary Care Directorate (PHPCD) / Direction de la santé de la population et des soins primaires (DSPSP)
First Nations and Inuit Health Branch/Direction de la santé des Premières nations et des Inuit
Health Canada/Santé Canada
613-957-6359
PIN: 2BF5C05C

Jon Thompson ---2017-01-27 09:48:04 AM---Good Morning, Can you share with me the amount spent to date on the Child First Initiative? Thanks

From: Jon Thompson <JonThompson@ain.ca>
To: "robin.buckland@hc-sc.gc.ca" <robin.buckland@hc-sc.gc.ca>, "Cole, Katherine (HC/SC)" (katherine.cole@canada.ca) <katherine.cole@canada.ca>
Date: 2017-01-27 09:48 AM
Subject: JP

Good Morning,

Can you share with me the amount spent to date on the Child First Initiative? Thanks

Spam
Phish/Fraud
Not spam
Forget previous vote

The following is Exhibit "D"
referred to in the Reply Affidavit of Jonathan Thompson
affirmed before me on the 30th day of January 2017.



A Commissioner, etc.
Violet Ford, LSUC #60899K

AFN-FNIHB ENGAGEMENT¹ PROTOCOL

Preamble

A vibrant and collaborative operational relationship between the First Nations and Inuit Health Branch of Health (FNIHB) and the Assembly of First Nations (AFN) is fundamental to the success of the FNIHB's ability to deliver on its mandate. For years, the FNIHB and AFN have worked towards establishing a culture of transparency and reciprocal accountability, as well as advancing joint policy, planning and program development work. A number of fora were established, many of which were program specific.

An example of the success of this relationship has been the work of FNIHB and the AFN relating to the modernization of the NNADAP Program. The collaborative process has been recognized by both organizations as a best practice, emphasizing the need for more systematic and timely processes of communication, early information exchange and dialogue. The implementation of a national AFN-FNIHB engagement protocol is intended to anchor the relationship in its shared goal of ensuring FNIHB progresses in the achievement of the First Nations and Inuit Health Strategic Plan.

Objectives

1. Outline how the AFN and FNIHB will work together to ensure First Nations regions and communities and FNIHB regions are engaged in the advancement of the FNIHB Strategic Plan;
2. Recognize and map out how the First Nations and Inuit Health Strategic Plan and the First Nations Health Foundational Plan complement each other; and
3. Respecting relevant processes and time required, map out a process for engagement that includes national, regional and community level collaboration, as well as engagement with other partners of mutual interest (such as health professional associations, provinces and territories, First Nations non-government organizations).

Principles

In addition to the principles of the **First Nations and Inuit Health Strategic Plan (Annex A)**, FNIHB and AFN agree to:

- Recognize that the engagement protocol is intended to support but not substitute the direct relationship between FNIHB and First Nations at the regional and community levels respecting any self-government discussions involving the subject matter of health, any instance where FNIHB's duty to consult arises, the enduring historical relationship and Canada's commitment to respect and honour any recognized rights of First Nations and the Treaty relationship, and its direct dealings with First Nations;

¹ Engagement is defined in the 2012 Strategic Plan as: involving First Nations in the development, delivery and management of national and regional policies and programs (under Principles) and is fully described in the AFN's Principles of Engagement (Annex C).

- Recognize that FNIHB and AFN have their own accountabilities that cannot be addressed through this engagement protocol (such as FNIHB's accountabilities through the Management Accountability Framework of Health Canada and AFN's accountabilities to the Chiefs-in-Assembly);
- FNIHB will not substitute engagement with organizations that are not mandated by First Nations as representing them for the purpose of seeking First Nations input or endorsement; and
- FNIHB and AFN will work towards achieving consensus on certain issues of interest to both parties to the maximum extent possible.

Engagement Process

1. National Relationship

- AFN is a member of FNIHB's Senior Management Committee (SMC) on Policy and Planning, whose mandate is to:
 - Provide overall policy direction for the Branch, consistent with the goals and principles of the Strategic Plan;
 - Monitor and provide direction for the Plan's implementation, including collaboration and partnership initiatives;
 - Review, approve and provide direction on policy issues and approaches; and
 - Review and approve proposals for modernizing policies and programs.
- AFN is also a member of the SMC Policy and Planning Sub-Committee and FNIHB/AFN/Inuit Tapiriit Kanatami (ITK) Working Group which develop and inform the SMC Policy and Planning Committee agenda and decision-making, such as by:
 - Defining the initial scope of a new proposal or terms of reference for policy/program development or modernization;
 - Obtaining a *mandate to further explore* the proposed initiative, such as through the AFN National First Nations Health Technicians Network (NFNHTN);
 - Presenting the initiative to the SMC Policy and Planning Committee;
 - Developing an engagement approach including all relevant partners, referring to the collaborative processes of the NNADAP renewal and the development of the First Nations Mental Wellness Continuum as best practice models;
 - Soliciting independent research and/or expertise such as through a peer review process;
 - Oversee the pilot testing of the policy/program output by "people on the ground", front-line workers, users of the tools proposed, clients receiving the services/interventions etc... This step is critical to ensuring the operationalization of the policy or program is well understood (its positive and negative impacts) prior to national and/or regional implementation; and
 - Ensuring all steps in the policy/program development or modernisation process or adhered to prior to seeking a *mandate for change*.

- The AFN will advise FNIHB in those instances when it is appropriate for the Branch to engage directly with the NFNHTN and the Chiefs Committee on Health (CCOH), and other national AFN working groups and caucuses on matters of interest.
 - FNIHB has provided the AFN under its funding agreement with the flexibility to work with and support the CCOH and the NFNHTN in identifying and addressing national and regional First Nations health priorities, and in so doing, work collaboratively with FNIHB.
 - The AFN and FNIHB have negotiated a specific engagement process related to FNIHB Departmental Evaluations which is complimentary to this protocol (Annex D).
2. Regional Relationship (all points below apply to Alberta, Saskatchewan, Manitoba, Ontario, Quebec, Atlantic and Northern Regions – in light of the transfer to the First Nations Health Authority, the BC Regional Relationship is governed by specific partnership agreements with BC First Nations)
- Respecting First Nations Regional processes, FNIHB Regions will engage directly with regional First Nations organizations on the development of Regional Health Plans, including strategic and annual operational plans.
 - FNIHB Regions will include regional First Nations organizations as part of a Regional FNIHB advisory forum that advises the Region on priorities, policies, operations, performance and surveillance indicators and reports, and resource allocation.
 - FNIHB Regions will engage regional First Nations organizations on options for alternative service delivery models that result in greater First Nations control over the use of allocated federal resources, where desired and within FNIHB policy and budget authority.
 - FNIHB Regions will advise and share information with regional First Nations organizations on their participation in discussions with provinces and territories and will maximize First Nations engagement in these discussions to the extent possible.
 - FNIHB HQ/FNIHB Regions will seek involvement of Regional First Nations organizations when engaging with Provincial and/or Territorial governments on targeted First Nations programs and services.
3. Community Relationship
- FNIHB Regions will maintain direct engagement with First Nations communities on matters that affect them, including funding agreements, in-community service delivery, access to services external to the community that is facilitated by FNIHB, program standards and guidelines that are applicable to the community's management and delivery of programs and resources.
 - FNIHB will foster relationships with First Nations communities in accordance with the Community Development and Capacity Building Framework.

4. Engagement with Other Partners of Mutual Interest

- FNIHB will notify and invite AFN to participate in discussions with non-government and private sector organizations that may lead to collaboration of policy or program initiatives. FNIHB will share information with AFN on outcomes of these discussions in the event that there is no AFN participation.
- While it is understood that FNIHB will engage with First Nations and non-First Nations non-government organizations on service delivery and capacity development, it is also understood that this engagement will not be considered consultation with First Nations.

Roles and Responsibilities

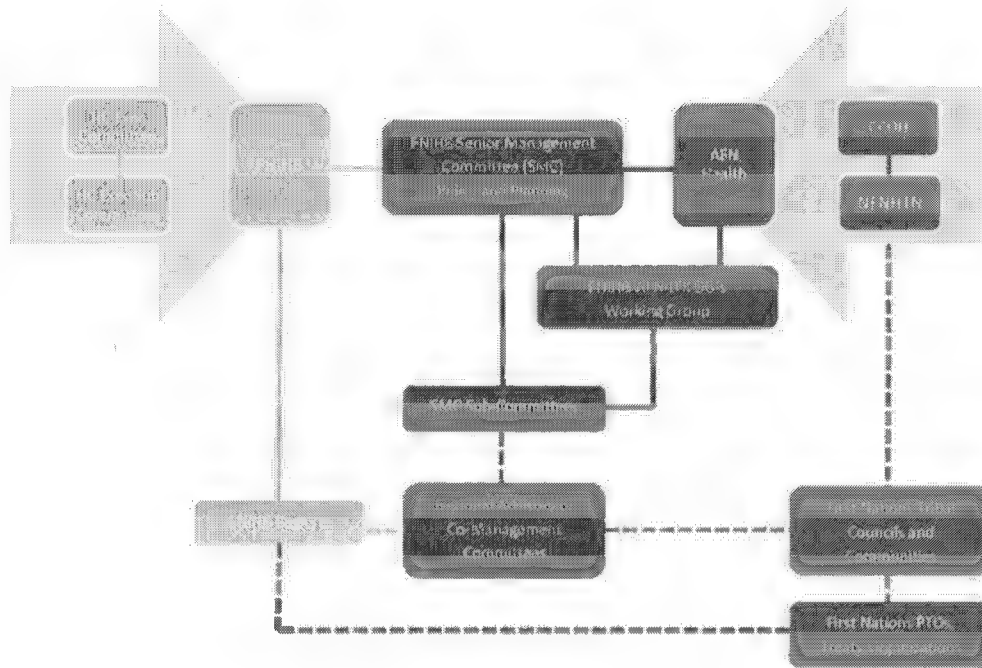
1. FNIHB Roles and Responsibilities in the Engagement Protocol

- Ensure Branch Directorates and Regions are aware and respect this engagement protocol;
- Provide the secretariat with support on the development of materials for the SMC Policy and Planning, Sub-Committee and Working Group, and ensure these materials are provided to the AFN in advance for input and review;
- Ensure that other federal departments are engaged as required as they relate to health issues for First Nations; and
- Report on implementation of this protocol in its annual operational plan reporting to the Department.

2. AFN Roles and Responsibilities in the Engagement Protocol

- Ensure AFN staff and First Nations representatives of the National First Nations Health Technicians Network and Chiefs Committee on Health respect the engagement protocol;
- Facilitate dialogue at a national level with First Nations organizations that are members of AFN, that reflects regional First Nations realities and input; and
- Partake as a member of the SMC and share information on its participation and input with First Nations through reports to the Chiefs-in Assembly.

AFN-FNIHB Joint Governance Model



ANNEX A

FNIHB Strategic Plan Principles:

Wellness – promoting holistic perspectives that help protect and promote the health, safety and well-being of First Nations and Inuit

Excellence – striving for continuous quality improvement, learning and innovation

Reciprocity and trust – working together with First Nations, Inuit, provinces, territories, federal departments and other partners in a circle of shared responsibility, accountability and stewardship

Fiscal Stewardship – practising sound fiscal management, complying with fiscal accountability measures and ensuring value for money

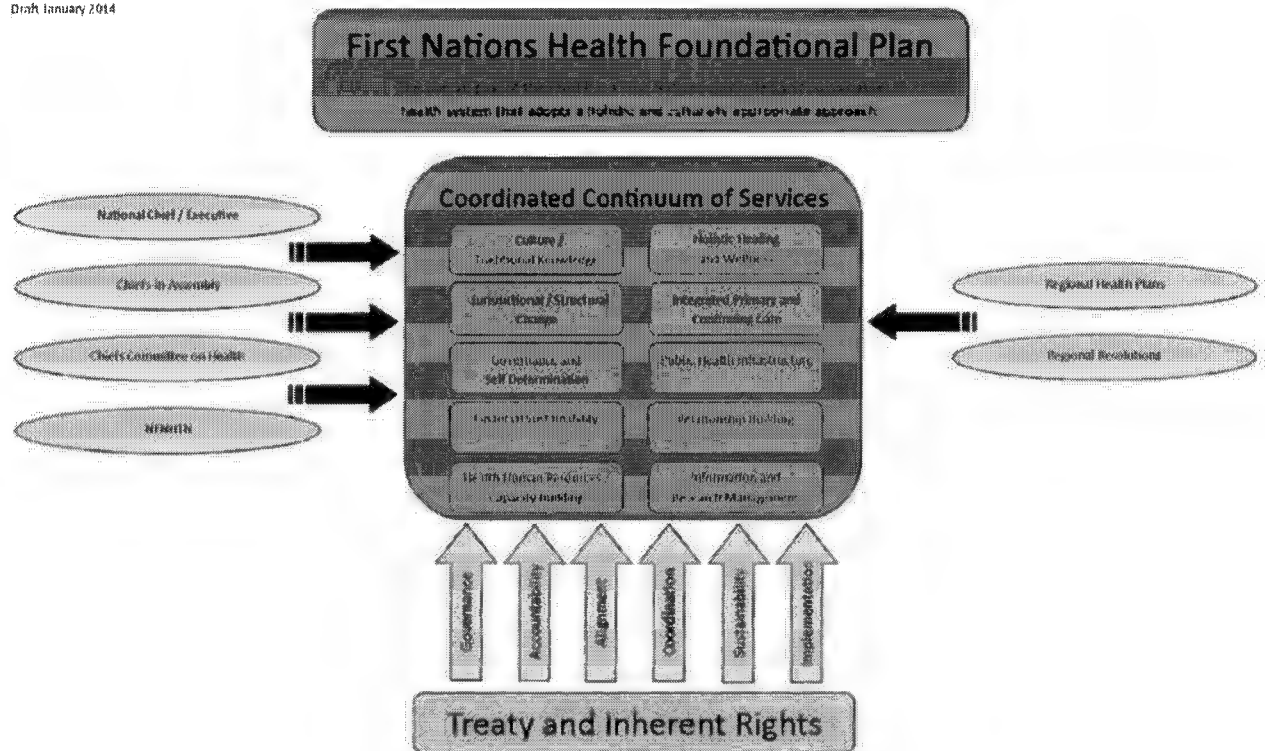
Flexibility – responding to the needs of individuals across their lifespans, and to the needs of families and communities, taking into account distinct regional circumstances and gender differences

Culture – recognizing that cultural practices and traditions are essential to the health and well-being of First Nations and Inuit

Communications and Engagement – communicating transparently and involving First Nations and Inuit in the development, delivery and management of national and regional policies and programs

ANNEX B AFN FIRST NATIONS HEALTH FOUNDATIONAL PLAN

Draft January 2014



ANNEX C

AFN Principles of Engagement

1. Unless directed by the National Chief's Office, the CCOH, or the Chiefs-in-Assembly, the AFN Health Team will refrain from engaging in Committees that adopt a pan-Aboriginal approach and/or that include Aboriginal representatives outside of the three leadership organizations that represent the constitutionally recognized people (AFN, ITK and the MNC).
2. The AFN Health Team will participate in Committees that stipulate the distinct mandates/reporting relationships of each participating member's organization, with the overall objective of working towards a common, limited number of specifically focussed objectives.
3. The AFN Health Team will participate on Committees² that meet the following expectations:
 - Activities work towards advancing and empowering First Nations peoples;
 - Abide by the mission, values and objectives set out in the AFN Charter; and,
 - Actively work to achieve the vision and goals of the First Nations-in-Assembly.
4. The AFN will only participate on Committees once it is made clear that the Committee does NOT constitute due consultation. This will avoid the AFN's role or contributions from being misconstrued. To this end, a Terms of Reference (TOR) or similar guiding document may be required, as determined by the AFN, to clarify each party's roles and responsibilities.
5. The AFN Health Team will prioritize participation in Committees that are timely and relevant to First Nations needs and priorities as identified in strategic sessions as identified by the NFNHTN and CCOH.
6. The AFN Health Team will participate in Committees at the pre-design and launch phase. The AFN Health Unit will avoid participating in pre-determined and "ready-made" external committees.
7. The AFN Health Team will prioritize participation on committees that exemplify commitment to collaboration and transformative change.
8. The AFN will prioritize participation in Committees that reflect intergovernmental (Nation to Nation) exchange with First Nations.
9. The AFN Health Team will participate in Committees that aim to build cultural competence in non-First Nations organizations and that meet the criteria above.
10. The AFN Health Team will prioritize participation in Committees that meet the above criteria and exercise decision-making authority, including delegated budget authority. Although limitations of the Committees' authorities at the implementation stage should be recognized and documented.
11. Upon participating in a Committee, the AFN Health Team will document:
 - The purpose of the Committee (working/technical, mediating, decision-making);

² The term Committees is used to denote groups of participants from various organizations, including but not limited to, working groups, forums, networks, technical, steering and advisory groups.

- **Respective role and responsibilities of each participating organization;**
- **Level and intent of commitment of participating organizations;**
- **Way in which the Committee meets the expectations outline in Principal #3;**
- **Level of influence (regional, national, international);**
- **Anticipated results; and,**
- **Timeline for participation.**

12. The AFN Health Team will conduct periodical (bi-annual) assessments of its participation in all Committees.

ANNEX D

Agreement for FNIHB Departmental Evaluations³ Between the AFN, ITK, FNIHB, and HC-PHAC ED

DRAFT

This agreement between the Assembly of First Nations (AFN), Inuit Tapiriit Kanatami (ITK), the First Nations and Inuit Health Branch (FNIHB), and the Health Canada and Public Health Agency of Canada - Evaluation Directorate (HC-PHAC ED) outlines how the AFN and ITK will be engaged and contribute its knowledge and experience to Treasury Board (TB) mandated evaluations of FNIHB programs and services.

The following agreement will be honoured for new departmental evaluations. For departmental evaluations currently underway, accommodations will be made, where possible, to honour the agreement.

Background:

- According to the Financial Administration Act (1985) and the TB of Canada Policy on Evaluation (2009) programs must be evaluated on a regular basis (every 5 years). These are formally referred to as departmental evaluations.
- HC-PHAC ED has the responsibility for both conducting the departmental evaluations, as well as ensuring that the evaluations meet health portfolio requirements.
- Evaluations will be conducted in a respectful and culturally safe manner.
- The perspective of communities will be included in evaluations of programs delivered in First Nations and Inuit communities.
- The evaluations are to:
 - contribute to information available to First Nations and Inuit communities when planning their activities;
 - inform FNIHB program decisions; and,
 - answer the five core issues mandated by the Policy on Evaluation (i.e., relevance, effectiveness, economy and efficiency) to support senior decision-making.

Responsibilities:

- | | |
|--------------------------------------|--|
| AFN, ITK,
FNIHB,
HC-PHAC
ED | <ul style="list-style-type: none">• Work together in a respectful and solution focused fashion.• In the 12 months following the signing of this agreement:<ul style="list-style-type: none">• Collaborate (including the Northern Region, Quebec and Atlantic Region) to develop and approve methods and processes to evaluate programs in Inuit communities. During this process all options will be explored, including considering one large Inuit specific evaluation (all programs) every 5 years to ensure appropriate Inuit representation. The methods and processes will work to acknowledge the unique perspectives and experiences of the North, and the role of the |
|--------------------------------------|--|

³ This agreement is to be reassessed annually (Are parties respecting the agreement? Are modifications required to the agreement?).

territories.

- Collaborate to develop and approve methods that would be common to all evaluations of First Nations communities to decrease review time.
- Once methods and processes for First Nations communities, and for Inuit, are agreed upon, HC-PHAC ED will incorporate them into evaluation practices.
- Review the rating scale employed by HC-PHAC ED when selecting evaluation consultants (e.g., topic of cultural sensitivity/appropriateness). This rating scale will then be used to rate proposals for all upcoming evaluations.

AFN and ITK	<ul style="list-style-type: none"> • Identify one key contact person and an alternate from each organization and inform FNIHB if there are changes in the key contact. • Submit written advice to FNIHB by agreed upon timelines, that consolidates when appropriate comments from the National Inuit Committee on Health and/or National First Nations Health Technicians Network, on the five key steps where input will be sought by FNIHB: <ol style="list-style-type: none"> 1. evaluation scoping deck (includes: areas to be evaluated, methodology, timelines) (3 weeks) 2. final methods and timelines as developed by evaluator (e.g. contractor) (3 weeks) 3. tools to be used in communities or with community members (3 weeks) 4. preliminary findings (first draft in the form of a discussion with evaluator) (1 meeting); and, 5. final report (one draft with draft conclusions but no recommendations), (4 weeks)
ITK	<ul style="list-style-type: none"> • Inform and seek input from the four Inuit land claims organizations: <u>The Inuvialuit Regional Corporation</u>; <u>Nunavut Tunngavik Incorporated</u>; <u>The Makivik Corporation</u>; <u>The Nunatsiavut Government</u> via the National Inuit Committee on Health or designate, and from other appropriate regional ITK stakeholders
AFN	<ul style="list-style-type: none"> • Inform and seek input from the National First Nations Health Technicians Network respecting differing regional processes.
FNIHB	<ul style="list-style-type: none"> • One month prior to the start of a departmental evaluation, provide a brief summary to the AFN and ITK on upcoming evaluation including: programs to be evaluated; communities where programs are offered; and projected timelines. • Maintain an updated list of key contacts and alternates to guarantee that communications are addressed correctly and in a timely fashion. • Inform the AFN and ITK of progress of evaluation via-email, and a minimum of bi-annual meetings. • Share information with the AFN and ITK as soon as it is available to provide as much notice as possible. • Email the AFN and ITK representative, confirm receipt of email, to seek input on evaluations according to the agreed upon procedures and timelines (see 5 steps in section related to the AFN and ITK). • Work with HC-PHAC ED to respond in writing to the AFN and ITK's advice to

clearly communicate how the advice will be incorporated into the evaluation, and if applicable - why not.

- Work with the AFN and ITK to understand any arising issues and find solutions.

HC-PHAC
ED

- Conduct the departmental evaluations.
- Ensure that departmental evaluations meet health portfolio requirements.
- Assist FNIHB (PMU) with their responses in writing to the AFN and ITK's advice.
- Will work with PMU to understand and implement the AFN and ITK's advice to the greatest extent possible.

We are to respect this agreement and work together in a respectful solution focused manner.

The following is Exhibit "E"
referred to in the Reply Affidavit of Jonathan Thompson
affirmed before me on the 30th day of January 2017.



A Commissioner, etc,
Violet Ford, LSUC #60899K

Assembly of First Nations

55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
www.afn.ca

December 12, 2016

Mr. Sony Perron
Senior Assistant Deputy Minister
200 Eglantine Driveway
Tunney's Pasture
Ottawa, ON K1A 0K9



Assemblée des Premières Nations

55, rue Metcalfe, Suite 1600
Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
www.afn.ca

Dear Mr. Perron:

I wish to begin by introducing myself. I am the incoming Chief Executive Officer for the Assembly of First Nations (AFN) and I welcome an opportunity for us to meet in the near future. I wish to apologize also for the scheduling mix-up recently when I had hoped to connect with you by telephone for a preliminary introduction.

In relation to a continued good work relationship, I was encouraged to be informed about the *AFN-FNIHB Engagement Protocol*. The engagement protocol has been an important resource and plan to reflect on its objectives as we develop other partnerships for improved health policy.

In regards to the application of the engagement protocol and the implementation of Jordan's Principle, there is concern that parts of the relationship were overlooked. There continues to be a need for greater and more substantial AFN participation and dialogue around implementation planning and activities for Jordan's Principle and the Child First Initiative.

I would like to ensure that our joint efforts uphold Strategic Goal #2.2 of the FNIH Strategic Plan which states, "Support First Nations and Inuit in their aim to influence, manage and /or control health programs and services that affect them". I recognize the importance of making the support available to children caught in jurisdictional dilemmas, and that some federal activity has been driven by tight timelines associated to the Canadian Human Rights Tribunal stipulations and advancing activity needed to take place quickly. I also recognize that some important steps have been taken to include AFN, such as having invited the AFN to join a senior Assistant Deputy Minister committee to oversee how the Child First Initiative is implemented post-September 2016. However, as you are familiar, communication and invitation to formally participate in discussions would have taken place from the outset of federal planning. Unfortunately, late engagement is not in line with our engagement protocol and goes against the principles outlined in the *First Nations and Inuit Health Strategic Plan: A shared path to improved health*.

I trust we both remain committed to spirit of the Engagement Protocol, working cooperatively, and establishing a culture of transparency and reciprocal accountability, while advancing joint policy, planning and program development work. Please allow this to serve as a formal request for inclusion not only for Jordan's Principle implementation planning moving forward, but to also serve as a positive reminder that the AFN be included in all future efforts relevant to First Nations health planning, policy change and program development – such as the First Nations mental wellness initiatives also announced in 2016.

.../2


Head Office/Siège Social

Unit 5 — 167 Akwesasne International Rd., Akwesasne, ON K6H 5R7 Telephone: 613-932-0410 Fax: 613-932-0415
Suite no 5 — 167, chemin Akwesasne International, Akwesasne (ON) K6H 5R7 Téléphone: 613-932-0410 Télécopieur: 613-932-0415

A0455890_28-001339

It is clear critical needs among First Nations clients should not be unduly delayed by process however, it is important to note that some of our processes depend on the merits of a national dialogue. We look forward to discussing and further defining engagement expectations moving onward with respect to the timely implementation of Jordan's Principle, and all health files moving forward.

Sincerely,



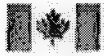
Judy A. White
Chief Executive Officer



The following is Exhibit "F"
referred to in the Reply Affidavit of Jonathan Thompson
affirmed before me on the 30th day of January 2017.

A handwritten signature in dark ink, appearing to read "Violet Ford", is written over a horizontal line.

A Commissioner, etc.
Violet Ford, LSUC #60899K



December 30, 2016

Judy A. White
Chief Executive Officer
Assembly of First Nations
55 Metcalfe Street, Suite 1600
Ottawa, ON K1P 6L5

Dear Ms. White,

Thank you for your letter of December 12, 2016. Allow me to begin by congratulating you on your appointment as Chief Executive Officer for the Assembly of First Nations. I look forward to working with you on several issues of priority for both the Assembly of First Nations (AFN) and the First Nations and Inuit Health Branch (FNIHB).

I recognize that the relationship between the AFN and FNIHB is fundamental to FNIHB's ability to deliver on its mandate. Therefore, FNIHB continues to be fully committed to the AFN-FNIHB Engagement Protocol which outlines our shared commitment to a timely process of open and transparent communication, information sharing, and continuous dialogue in the achievement of shared goals.

As you acknowledge, FNIHB has its own accountabilities that cannot be addressed through the engagement protocol, including acting immediately on the orders from the Tribunal. However, while the department may have obligations, our goal is always to honour the protocol and work collaboratively with First Nations at the national and regional levels.

Following the announcement of the federal commitment toward a broader Jordan's Principle definition and a set of proactive measures, FNIHB has moved towards engagement for the implementation. A meeting was organised with the National First Nations Health Technicians Network on October 4, 2016 and regional sessions in all regions to ensure all were aware of the expanded definition, the key contact to bring cases forward and to initiate planning for structuring case coordination capacity.

To help guide this process, we would like to propose some ideas on how best to achieve greater involvement of our First Nations partners. Please see a summary of our ideas attached. These ideas were presented at the Jordan's Principle Oversight Committee on November 16, 2016 which was attended by Jonathan Thompson. Joint work is particularly important as the full impact of Jordan's Principle will be best achieved by improving the availability of services for all First Nations children in addition to dealing with jurisdictional disputes.

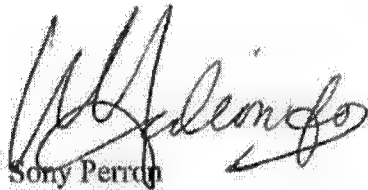
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-2-

The period from 2016 to 2019 presents a window of opportunity to work collaboratively to advance joint policy, planning and program development work on Jordan's Principle. To facilitate this collaboration, my officials have invited the AFN to co-chair a working group on Jordan's Principle. If the AFN is in agreement to co-chair this working group, we would like to begin this important work immediately. I would be happy to meet with you any time to discuss the potential of this working group and how it might facilitate an enduring dialogue beyond 2019.

Congratulations again on your appointment and please accept my warmest greetings. I look forward to a collaborative relationship on this, and other important work, as well as the opportunity to meet with you in person.

Sincerely,



Sony Perron

cc: Valerie Gideon, Assistant Deputy Minister, Regional Operations, FNHIB
Jonathan Thompson, Director, Assembly of First Nations
Paula Issak, Assistant Deputy Minister, Indigenous and Northern Affairs Canada

CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and
ASSEMBLY OF FIRST NATIONS**

Complainants

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

**ATTORNEY GENERAL OF CANADA
(representing the Minister of Indigenous and Northern Affairs Canada)**

Respondent

- and -

**CHIEFS OF ONTARIO,
AMNESTY INTERNATIONAL CANADA and
NISHNAWBE ASKI NATION**

Interested Parties

**WRITTEN SUBMISSIONS OF THE
FIRST NATIONS CHILD AND FAMILY CARING SOCIETY**
*Motions regarding Canada's failure to comply with the
Canadian Human Rights Tribunal's orders regarding immediate relief*

David P. Taylor
Anne Levesque
Kaila Morin (student-at-law)

Sébastien Grammond, *Ad.E. University of Ottawa*
Sarah Clarke, *Clarke Child & Family Law*

JURISTES POWER | POWER LAW

Suite 1103 – 130 Albert Street
Ottawa, ON K1P 5G4

Counsel for the First Nations Child and Family Caring Society of Canada

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2. List of Authorities
3. Table 1: Calculations to determine the total number of hours lawyers can spend on each child's case per agency in 2015/2016

*There can be no keener revelation of a society's soul than the way in which
it treats its children – Nelson Mandela¹*

*Q. Ms. Clarke: What consideration are you giving to a child's best interest in
deciding to not take this forward? [...]*

A. Canada's Witness: An individual child's best interests?

*Q. Ms. Clarke: Well, an individual, a collective, the children who are affected
by the policy?*

A. Canada's Witness: Not specifically, I guess.²

¹ Quote from Nelson Mandela, cited in Exhibit B to the Affidavit of Mr. Thompson, affirmed on January 30, 2017 [Thompson Affidavit"], Letter from Chief Rupert Meneen to the Honourable Carolyn Bennett dated January 26, 2017.

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PART I - INTRODUCTION

1. Over ten years have passed since the First Nations Child and Family Caring Society of Canada (“the Caring Society”) and the Assembly of First Nations (“the AFN”) were forced to lodge a human rights complaint to demand justice for First Nations children served under the First Nations Child and Family Service Program (“FNCFS Program”) and to force Canada to live up to its legal obligations under Jordan’s Principle. After ten years and the landmark substantiation of the complaint by this Panel, justice and equality continue to evade First Nations children and their families.

2. On January 26, 2016, the Canadian Human Rights Tribunal substantiated the complaint, finding Canada’s FNCFS Program and approach to Jordan’s Principle discriminated against First Nations children on the basis of race and national or ethnic origin (“the January 2016 Decision”). The January 2016 Decision was celebrated by First Nations and non-Indigenous peoples and organizations across the country and around the world. Many joined the Caring Society in sharing the Panel’s hope that its legally binding decision would be a “turning point that [would lead] to meaningful change for First Nations children and families in this country.”³

3. More than one year later, the evidence shows that the discrimination First Nations children have faced continues, as Canada has failed to take the necessary steps to provide immediate relief to First Nations children and their families. Current funding levels to the FNCFS Program, and those projected for the next five years, were established prior to the release of the January 2016 Decision, with no consideration given to development or best interests of the children the FNCFS Program is meant to serve. The funding approach outlined in Budget 2016 and related forecasted investments were not modified to take the Tribunal’s findings and orders into account, as the subsequent additional funds have been allocated in an *ad hoc* way and re-allocated from other sources internal to INAC. Since the release of Budget 2016, government officials have not sought additional funding authority for the FNCFS Program nor have they made any meaningful efforts to determine the cost to provide the immediate relief sought by the Complainants and the Interested Parties or to address the Tribunal’s concerns. Just as Canada sought to evade human rights scrutiny through its various legal tactics during the hearing, it is now seeking to avoid compliance with the Tribunal’s orders by claiming it needs to have conversations and discussions with its partners and stakeholders. The evidence shows, however, that these conversations and discussions are stalling tactics on the part of Canada as they continue to occur even when Canada has already unilaterally determined its funding levels and has no intention of responding to the needs articulated by partners and stakeholders.⁴

4. At the same time, Canada continues to use a narrow definition of Jordan’s Principle in its training materials, on its website, and in its communications with staff and

² Cross-Examination of Cassandra Lang, February 7 and 8, 2017 [“Lang Cross Examination”] at p 245, lines 1-10.

³ *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada*, 2016 CHRT 10 at para 40.

⁴ Affidavit of Cassandra Lang affirmed January 25, 2017 [“Lang Affidavit”] at para 12; Lang Cross Examination at pp 39-43; Affidavit of Cindy Blackstock, affirmed December 17, 2016 [“Blackstock Affidavit”], paras. 17 and 24.

stakeholders, contrary to the Tribunal's orders. Put simply, the evidence is clear that Canada is either unable or unwilling to comply with the Tribunal's January 2016 Decision and its subsequent April 2016 and September 2016 remedial orders. In the meantime, Canada's ongoing pattern of racial discrimination continues to harm First Nations children and their families. The evidence shows that the recent suicide deaths of the two girls from Wakepeka could have been prevented with appropriate community based mental health services.⁵ But contrary to Jordan's Principle, the girls did not receive the services they needed due to Canada's failure to assess a funding request to address the gaps in mental health services in the community.⁶

5. The Caring Society submits that faced with a respondent that is unwilling and/or unable to take the steps necessary to comply with the Tribunal's January 2016 Decision and April 2016 and September 2016 remedial orders, this Tribunal must render clear enforceable orders of immediate relief to compel Canada to take the necessary actions required to lessen the impact of its discriminatory conduct towards First Nations children until long-term relief is achieved in accordance with the *Canadian Human Rights Act* and the best interests of the child. The 163,000 children impacted by this case cannot wait any longer. The time for change is now.

⁵ Affidavit of Dr. Michael Kirlew, affirmed January 27, 2017 ["Kirlew Affidavit"], paras. 5-6.

⁶ Kirlew Affidavit at paras 15-16.

PART II - THE FACTS

A. The Public's Response to the CHRT Decision

6. The Caring Society and the AFN's human rights complaint regarding the FNCFS Program and Jordan's Principle has been referred to as one of the most watched cases in Canadian history. The interest in the complaint's adjudication foretold the outpouring of support following the release of the Tribunal's January 2016 Decision finding in favour of the children.

7. In the days and weeks following the Tribunal's January 2016 Decision, the Caring Society received over 1,000 messages, emails, phone calls and letters from people across Canada and around the world welcoming the Decision. For example, on January 26, 2016, Chief Ron Evans, from Norway House Cree Nation, sent a letter thanking the Caring Society for its work and congratulating the organisation for the children's victory.⁷

8. Children across the country organised numerous parties to celebrate the Tribunal's January 2016 Decision. For example, on March 10, 2016, Dr. Blackstock visited Walpole Island First Nation, on Bkejwanong Territory (in southwestern Ontario). When she arrived, the students surprised her with a celebration of the Tribunal's Decision. The school's walls had posters, thank you cards, and cardboard hearts decorated by the students. One of the posters said "Thank you for caring for us Cindy. You are my hero." Children as young as 5 years old participated in the celebration.⁸

9. On February 10, 2016, over 600 children participated in Have a Heart Day on Parliament Hill, by writing letters to elected officials urging them to take action so that First Nations children can grow up safely with their families, get a good education, and be healthy and proud of who they are. Over 300 of the children who attended Have a Heart Day on Parliament Hill attended a luncheon event later that day inside Parliament's Centre Block to celebrate the Tribunal's Decision. The children read letters, sang songs, and cut a cake in celebration of the Tribunal's January 2016 Decision. Across Canada, more than 5,500 Canadians celebrated Have a Heart Day in 2016.⁹

10. On June 6, 2016, the students of Pierre Elliott Trudeau Elementary School in Gatineau organized a special party, during which they prepared a lunch for Dr. Blackstock and the Caring Society's legal team. Some of the students attending the school come from Northern First Nations communities in Quebec. All of the students had closely followed

⁷ Blackstock Affidavit at para 25. See also Exhibit E to Blackstock Affidavit: Letter from Chief Ron Evans to the Caring Society dated January 26, 2016.

⁸ Blackstock Affidavit at para 26. See also Exhibit H to Blackstock Affidavit: Picture of students at Walpole Island First Nations on Bkejwanong Territory celebrating the decision.

⁹ Blackstock Affidavit at para 27. See also Exhibit G to Blackstock Affidavit: Picture of the children at Have a Heart Day on Parliament Hill and Picture of children cutting the cake honoring the Decision at the luncheon event inside.

the case and learned about the Tribunal's January 2016 Decision in class. After the meal, the students presented Dr. Blackstock with a book they had made to thank her for her work with and for children.¹⁰

11. On August 1, 2016, Norway House Cree Nation, Jordan River Anderson's home community, hosted the annual Jordan Principle's Parade. This parade is held each year in honor of Jordan River Anderson, after whom Jordan's Principle is named, and in honour of his family. The parade was extremely well attended by children and adults from the community, including members of Jordan's family, many of whom made hand-made floats honoring Jordan's Principle. There were prizes for the best dressed Jordan's Principle wheelchair, bike, stroller and teddy bear. After the parade, the community held a special ceremony to thank Dr. Blackstock and others, for honoring Jordan's legacy.¹¹

12. On September 13, 2016, Alanis Obomsawin's documentary regarding the Caring Society and the AFN's human rights complaint, entitled *We Can't Make the Same Mistake Twice*, premiered at the Toronto International Film Festival ("TIFF"). The premiere was sold out and was attended by over 450 people, including Jordan River Anderson's sister and many children and youth.

13. On November 21, 2016, the Caring Society hosted a viewing of *We Can't Make the Same Mistake Twice* at the Mayfair Theatre in Ottawa for over 250 elementary and secondary students, many of whom had also attended the hearings. The documentary continues to tour the country and as of the time of Dr. Blackstock's December 17, 2016 affidavit, had been shown in Halifax, Sudbury, Gatineau, Vancouver, Montreal, and for a second time in Toronto at the Imaginative Film and Media Art Festival.¹²

14. As of December 17, 2016, there were 15,238 registered witnesses for the Caring Society's "I am a Witness" campaign, which encourages citizens and groups to follow the Caring Society and the AFN's human rights complaint. Though the hearing is now over, the number of registered witnesses continues to grow and there is a great interest among registered witnesses in monitoring how Canada is responding to the Tribunal's findings of discrimination and remedial orders. The Caring Society frequently receives emails, letters, and messages from individuals and organizations inquiring about Canada's compliance with the Tribunal's January 2016 Decision and April 2016 and July 2016 remedial orders. Tragically, the Caring Society also continues to regularly hear about the disastrous impact that Canada's inequitable funding of child welfare services and failure to properly implement Jordan's Principle is having on children, families and communities.¹³

¹⁰ Blackstock Affidavit at para 29. See also Exhibit I of Blackstock Affidavit: Picture of book made by students of Pierre Elliot Trudeau School.

¹¹ Blackstock Affidavit at para 30. See also Exhibit J to Blackstock Affidavit: Pictures of Jordan's Principle Parade.

¹² Blackstock Affidavit at para 31.

¹³ Blackstock Affidavit at para 32.

B. Canada's Response to the CHRT January Decision

i. Budget 2016 and the FNCFS Program

15. On the day the Tribunal's January 2016 Decision was released, both the Minister of Indigenous and Northern Affairs and the Minister of Justice stated that they welcomed the Tribunal's findings. In its first submissions in this complaint after the Tribunal's January 2016 Decision, Canada also stated that it looked "forward to working with the parties to make immediate and long-term changes to the funding of child welfare on reserves."¹⁴ Despite these representations, Canada failed to take any meaningful steps to comply with the Tribunal's January 2016 Decision or relieve the discrimination experienced by First Nations children and their families from January 26, 2016 until the release of Budget 2016 on March 22, 2016.¹⁵

16. Canada relied almost entirely on the funding provided in Budget 2016, including forecasts for future years, as evidence of its compliance with the Tribunal's Decision in its April 6, 2016 submission on remedy and in its May 24, 2016 compliance report. However it was not until Canada filed its September 30, 2016 compliance report, that Canada advised the Tribunal and the parties that the Budget 2016 amounts for First Nations child and family services were determined during the Fall of 2015, prior to the release of the Tribunal's January 2016 Decision.¹⁶

17. As such, Budget 2016 is not based not on the Tribunal's findings in its January 2016 Decision. Rather, Canada acted alone in preparing Budget 2016, without consultation with First Nations, First Nations Child and Family Services Agencies ("FNCFS Agencies"), the Parties, or with independent experts. Canada's unilateral effort was based on information that Canada claims to have gathered via tripartite discussions in 2013-2014 and updated with data from 2015.¹⁷ Moreover, according to Cassandra Lang, the government official responsible for implementing the national policy and program management for the FNCFS Program, no changes were made to the funding provided to FNCFS Agencies in Budget 2016 following the release of the Tribunal's January 2016 Decision or the Tribunal's subsequent remedial orders.¹⁸

18. Budget 2016 was publicly released on March 22, 2016 and included additional funding for the FNCFS Program. As a part of the media budget lock-up prior to the release of Budget 2016, which Dr. Blackstock attended, federal officials made themselves available to answer questions. Paula Isaak, Assistant Deputy Minister for INAC's Education and Social Development Programs and Partnerships Sector, was present at the March 22, 2016 budget lock-up and explained that the \$71 million provided for the FNCFS Program took account of additional funds that INAC had recently provided for prevention

¹⁴ Canada's Submissions on Remedy, March 10, 2016 at para 1.

¹⁵ Blackstock Affidavit at para 18.

¹⁶ Lang Affidavit, Exhibit 1: September 30, 2016 Compliance Report ["September Compliance Report"] at p 2.

¹⁷ *Ibid.*

¹⁸ See for example, Lang Cross Examination at p 30, lines 13-18 & p 10, line 7 to p 11, line 2. See also Lang Cross Examination at p 90, line 13 to p 91.

services. Dr. Blackstock asked Ms. Isaak what funds she was referring to as, to Dr. Blackstock's knowledge, INAC had not provided any new prevention investments since 2010 when the last region was added to the EPFA regime. Ms. Isaak could not provide any more details on the alleged new prevention funding that Budget 2016 accounted for. Dr. Blackstock also asked if the \$71 million included provisions for inflation-related losses in purchasing power. Ms. Isaak was unable to respond to these questions.

19. INAC officials did not seek the authority to fund further measures of immediate relief based on their belief that it "could potentially be large amounts of money".¹⁹ In fact, INAC has not requested a change in its funding authorities since 2012/2013.²⁰ Canada's witness admitted that no consideration was given to child development,²¹ or the best interests of the child when determining whether to seek further authorities for additional funding for child welfare services for First Nations children.²²

Q. Ms. Clarke: What consideration are you giving to a child's best interest in deciding to not take this forward?

A. Ms. Lang: An individual child's best interests? [...]

Q. Ms. Clarke: Well, an individual, a collective, the children who are affected by the policy?

A. Ms. Lang: Not specifically, I guess.²³

20. Canada has failed to put in place a system to ensure INAC administrators and staff responsible for the FNCFS Program and other staff responsible for Jordan's Principle have read the Tribunal's decisions and understand the Tribunal's Decisions.²⁴ Instead, Canada relied on sending emails to regional officials, absent any formal process for ensuring the Tribunal's January 26, 2016 Decision and April 2016 and September 2016 remedial orders were read and understood. The perils of this approach are apparent in the testimony of Ms. Cranton, the Director of Northern Operations for Health Canada's Northern Region, who conceded that she had not read the Tribunal's Decisions prior to her preparation for her cross-examination.²⁵

¹⁹ For quote see Lang Cross Examination at p 107, lines 4-21.

²⁰ Lang Cross Examination at p 241, line 20 to p 242, line 4.

²¹ Lang Cross Examination at p 132, lines 1-16.

²² Lang Cross Examination at p 245, lines 1-10.

²³ Lang Cross Examination at p 245, lines 1-10.

²⁴ Cross-Examination of Robin Buckland on February 6 and 7, 2017 ["Buckland Cross Examination"] at p 272, line 3 to p 273, line 10. See also Lang Cross Examination at p 212, line 19 to p 213, line 18.

²⁵ Cross-Examination of Lee Cranton on February 17, 2017 ["Cranton Cross Examination"] at p 78, line 21 to p 79, line 10.

21. Individuals responsible for the Tribunal's January 2016 Decision and remedial orders have little or no experience with Indigenous Peoples or formal academic or professional training in child welfare.²⁶

ii. Failure to conduct an effective costing exercise

22. Over one year after the decision was rendered, INAC officials have still not taken the steps necessary to determine the cost of funding the immediate relief sought by the Complainants and the Interested Parties at their actual costs or to address the areas of concern identified by the Tribunal.²⁷ Moreover, Canada has failed to respond to the Tribunal's concern about the manner in which funding for the FNCFS Program is determined.²⁸ In fact, INAC officials have not yet begun the process of identifying the immediate relief items for which more information would be required in order to assess this cost and implement. When asked whether someone has "actually looked at all the data that would be needed to fund all the immediate relief items and made a determination [it] need[s] more in this or [it has] enough on this", Ms. Lang responded:

I don't think we've -- I don't believe we've itemized that we need, you know, X item or Y item under this issue specifically. I don't think we've said, outlined individual line items to get to a calculation.²⁹

23. INAC has, however, reallocated up to \$ 1.975 million from INAC infrastructure funding to fund FNCFS agencies to identify their "actual needs and distinct circumstances".³⁰ On October 28, 2016, three days before Canada's October compliance report was due, Margaret Buist, Director General of INAC's Children and Families Branch wrote a letter to all FNCFS Agency directors to advise agencies they could apply for up to \$25,000 to provide INAC with information about their distinct needs and circumstances in order to "inform [INAC's] thinking on new funding approaches".³¹ When asked why INAC waited more than nine months after the Decision to send this letter to FNCFS agencies, Ms. Lang stated:

²⁶ Ms. Lang holds a Masters of Library Science and a Bachelor of Arts in English and French literature. See Lang Cross Examination at p 84 line 18 to 22. Ms. Buckland is a Registered Nurse. See Affidavit of Robin Buckland, affirmed January 25, 2017 ["Buckland Affidavit"] para 1. Ms. Cranton holds a business degree. See Cranton Cross Examination at p 77, line 17.

²⁷ Lang Cross Examination at p 110, line 12 to p 113, line 3 & p 328, line 12 to p 332, line 17.

²⁸ *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada (representing the Minister of Indian and Northern Affairs)*, 2016 CHRT 16 (CanLII) at para 30.

²⁹ Lang Cross Examination at p 117, lines 14-18.

³⁰ Lang Affidavit at para 9. Lang Cross Examination at p 170, lines 5-6. See also Request for Information on Cross Examination of Cassandra Lang ("RFI-CL") RFI-CL-20: "Funds in the departmental budget that may be redistributed for the needs of, or priorities for, First Nations children are taken from Infrastructure funding."

³¹ Lang Affidavit, Exhibit 2: October 31, 2016 Compliance Report ["October Compliance Report"], Annex A.

Well, we had -- we were undertaking various types of engagement. We have conversations that occur at technical tables and at, and at tripartite tables. So this letter was an opportunity to get to some more specific -- to get specifically to agencies in terms of, in terms of understanding what their individual needs were.³²

24. Although Ms. Lang admits to having no formal training on data collection and statistics, INAC retained no outside expertise to assist it in formulating the request for information on needs from agencies in order to ensure that the information provided would be reliable and consistent.³³ According to economist Dr. Loxley's uncontested expert evidence, it is unlikely that INAC has the internal capacity to collect and interpret the information obtained from FNCFS agencies from this letter. Dr. Loxley explained:

Based on my past experience with INAC, it is unlikely that it has the capacity to process the information sought from individual agencies and to put it into a coherent policy framework. There is also the question of whether approaching individual agencies to determine their needs is the correct one given the isolated perspectives that agencies might have. Regional tables are already planning to examine budgetary requirements and it may be that the collective sharing of information and perspectives on the budget is a superior one in terms of more accurately determining needs. Agency needs are probably much better arrived at through the planned collective and consultative regional budget/costing exercises which can draw upon appropriate technical expertise. The money offered by INAC, which is probably quite inadequate for larger agencies, might be better invested in those exercises.³⁴

25. INAC presented no reply evidence in response to Dr. Loxley's opinion on INAC's lack of capacity to collect such information from agencies and declined to cross-examine Dr. Loxley on his affidavit.

26. Furthermore, Ms. Buist's October 28, 2016 letter fails to specifically solicit information on some of the most pressing immediate relief matters identified in the Tribunal's January 2016 Decision at paras 384-389 relating to strengthening families and preventing children from being placed in child welfare care. By way of example, the October 28, 2016 letter does not ask FNCFS Agencies to provide information relating to their ability to provide First Nations children with an equitable opportunity to remain in their families or to be reunited with their families in a timely fashion. When asked whether INAC was expecting answers with regards to these issues, INAC's witness stated:

A. Ms. Lang: No, we don't ask -- we don't provide that as a potential question specifically.

Q. Mr. Wuttke: So it's likely that you won't get a response to that type of question

³² Lang Cross Examination at p 185, lines 14-21.

³³ Lang Cross Examination at p 219, lines 5-18 & p 85, line 12 to p 89, line 3.

³⁴ Affidavit of John Loxley, affirmed on January 5, 2016 ["Loxley Affidavit"], Exhibit A: Report on the Government of Canada's Response to the Canadian Human Rights Tribunal Orders Regarding Discrimination in its First Nations Child and Family Services Program ["Loxley Report"] at p 8.

because it's not in your letter? I mean, a response to that type of issue because it's not in your letter?

A. Ms. Lang: They may not, but we also indicate any other areas of need or particular circumstances we deem -- or the agencies deem applicable to the community needs. So we've mentioned in a few places, please provide us with more than this, here are some examples.

Q. Mr. Wuttke: Would it not have been easier if you would have included this excerpt from the Tribunal's decision and say, in addition, the Tribunal has addressed these issues, can you please provide your thoughts on this as well? Would that not have been easier and that way you get the broad range of questions you've been ordered to look at, but also the information you're seeking?

A. Ms. Lang: We could have provided that information as well.³⁵

27. When asked why Ms. Buist's October 28, 2016 request for information on agency needs did not mirror the items of immediate relief identified by the Tribunal, INAC's witness re-affirmed that FNCFS Agencies would have to provide the additional items for consideration identified by the Tribunal of their own initiative, stating:

There are some more specific items that are in, in the letter. The letter is only -- or the items listed are not an exhaustive list. We indicate that examples of various agencies may wish to provide information, but we would welcome information on, on any other items that, that they're looking for -- or that they wish to provide us information on as well.³⁶

28. INAC's witness later conceded it was "possible" that Ms. Buist's October 28, 2016 letter would not generate information relating to all of the issues of concern identified by the Tribunal.

Q. Mr. Wuttke: Sure. Given the fact that not all the concerns of the Tribunal's decisions are not included in your letter even though they may be alluded to, are you not concerned that you may not get information regarding what the Tribunal would like you to do in the responses and that may somewhat not give you the full range of data you're looking for? Is that a concern of your department?

A. Ms. Lang: I suppose it's possible. We tried to, as I said, we tried to, you know, make sure that we provided -- we indicated that we were interested in a full range of, of information as the agencies wished to provide it to us.³⁷

³⁵ Lang Cross Examination at p 330, line 24 to p 331, line 23.

³⁶ Lang Cross Examination at p 329, lines 12-18.

³⁷ Lang Cross Examination at p 332, lines 7-17.

iii. INAC's "Phased approach"

29. According to Canada, the "full implementation" of Budget 2016 investments will be reached in Year 4 (2019-2020).³⁸ In its October 31, 2016 Compliance Report, Canada stated that INAC's rationale for using this "phased approach" was based on previous reports that had noted that FNCFS Agencies experienced challenges in staff hiring and retention. The October 31, 2016 Compliance Report goes on to state that "this approach was used in order to mitigate the risk of lapsing or failing to expend funding."³⁹

30. INAC cited three reports in support of its contention that a phased approach to immediate relief funding for FNCFS Agencies was necessary: (1) INAC's April 2012 *Key Findings: Implementation Evaluation of the Enhanced Prevention Focused Approach in Saskatchewan and Nova Scotia*;⁴⁰ (2) INAC's June 2014 *Implementation Evaluation of the Enhanced Prevention Focused Approach in Manitoba for the First Nations Child and Family Services Program*;⁴¹ and (3) the New Brunswick Office of the Ombudsman and Child and Youth Advocate's February 2010 *Hand-in-Hand: A Review of First Nations Child Welfare in New Brunswick*.⁴²

31. Following Ms. Lang's cross-examination, Canada confirmed that there were no further reports or documents being relied on to support Canada's assertions regarding FNCFS Agency capacity.⁴³

32. Two of the three reports cited by Canada in support of its rationale for a five year budget roll out with the largest investments in years 4 and 5 are INAC regional child and family services program audits for Saskatchewan/Nova Scotia and Manitoba.⁴⁴ While these audits note that some FNCFS Agencies have experienced challenges in recruiting and retaining qualified staff, none of those reports recommends limiting the funding provided to FNCFS Agencies as a solution to remedy this challenge.⁴⁵ Rather, inequitable

³⁸ Canada's July 6, 2016 reply submissions regarding its May 10 and 24, 2016 compliance reports at p 2.

³⁹ Lang Affidavit, Exhibit 2: October Compliance Report, at pp 5-6.

⁴⁰ Lang Cross Examination, Exhibit 12: AANDC Report titled "Key Findings: Implementation Evaluation of the Enhanced Prevention Focused Approach in Saskatchewan and Nova Scotia", dated April 27, 2012 (also filed as Tab 146 in CHRC Book of Documents (Vol 9)).

⁴¹ Lang Cross Examination, Exhibit 11: AANDC Report titled "Implementation Evaluation of the Enhanced Prevention Focused Approach in Manitoba for the First Nations Child and Family Services Program", dated June 2014.

⁴² Lang Cross Examination, Exhibit 13: New Brunswick Office of the Ombudsman and Child and Youth Advocate report titled "Hand-in-Hand: A Review of First Nations Child Welfare in New Brunswick", dated February 2010 (also filed as Tab 60 in CHRC Book of Documents (Vol 5)).

⁴³ RFI-CL-4; RFI-CL-5; RFI-CL-6.

⁴⁴ Implementation Evaluation of the Enhanced Prevention Focused Approach in Saskatchewan and Nova Scotia for the First Nations Child and Family Services Program, INAC, Evaluation, Performance Measurement and Review Branch, April 2013; Implementation Evaluation of the Enhanced Prevention Focused Approach in Manitoba for the First Nations Child and Family Services Program, INAC, Evaluation, Performance Measurement and Review Branch, June 2014.

⁴⁵ It is noted that the Saskatchewan and Nova Scotia evaluations also note that INAC Headquarters also experience similar challenges in recruiting and retaining staff and have "struggle[d] to effectively perform their work given their current staffing limitation".

funding is identified as one of the *causes* of difficulties experienced when recruiting and retaining staff. In fact, the excerpt cited in Footnote 1 in Canada's September 30, 2016 compliance report states:

"Moreover almost 60 percent of agencies reported in their business plans that staff recruitment and retention was an issue. Some reasons given include the rural/remoteness factor, **salary levels**, stress/trauma and shortage of people with the necessary qualifications (emphasis added)" ⁴⁶

33. Under cross-examination, Ms. Lang stated that concerns about "agency capacity" was only "one of the issues" that caused Canada to adopt its phased approach to funding FNCFS agencies.⁴⁷ When asked about the other reasons for which agencies could not be fully funded immediately, Ms. Lang stated that time was needed to "set up a structure that took into account these new roles".⁴⁸ Ms. Lang also explained that Canada's budget cycle was one of the reasons for the phased approach. She stated:

Also in terms of the way the budget cycle works when funding was announced, certainly for the first year. It wouldn't have been the case for subsequent years, but certainly the way the budget cycle works, by the time that an announcement was made and then funding was approved and able to be transitioned, it may be a few months later in the year as well. So it may not -- so the first year may not have been able to, to go out -- it wouldn't have been able necessarily to go out for, for April 1st, so -- and then there's -- so agencies would have a more limited time to expend the funds within that fiscal year.⁴⁹

34. Despite Ms. Lang's assertions that agency capacity was "only one of the issues" underlying Canada's phased approach, in response to the Caring Society's request that Canada provide "any other reports that INAC is relying on with respect to the phased approach", Canada confirmed that "INAC is not relying on any other reports relied [sic]".⁵⁰

35. Accordingly, Canada has been unable to produce any studies, reports or documentation in support of Ms. Lang's claim that phased funding was required in order to "set up a structure" or because of "budget cycles". When asked whether INAC's concerns about capacity and budget cycles could be addressed by phasing in funding in year one and fully funding agencies in year two, INAC's witness stated that "that's a possibility for consideration."⁵¹

⁴⁶ Lang Cross Examination, Exhibit 11: AANDC Report titled "Implementation Evaluation of the Enhanced Prevention Focused Approach in Manitoba for the First Nations Child and Family Services Program", dated June 2014 at p 33.

⁴⁷ Lang Cross Examination, at p 129, lines 11-14.

⁴⁸ Lang Cross Examination at p 129, lines 15-19.

⁴⁹ Lang Cross Examination at p 129, lines 17-25.

⁵⁰ RFI-CL-7.

⁵¹ Lang Cross Examination at p 130, line 23.

36. Commenting on INAC's phased approach to immediate relief funding, Dr. Loxley stated:

INAC explained that the five year budget allocation was arrived at by estimating what a full-year's implementation would cost in year 4 and then making assumptions about how quickly different agencies could reach full implementation, given program and staff constraints. These assumptions are critical but are not defined or differentiated between EPFA and non-EPFA regions and agencies.⁵²

37. Canada provided no evidence relating to the assumptions underlying its phased approach to funding. It also provided no evidence as to why the assumptions of lack of agency capacity were applied universally to all First Nations Child and Family Services Agencies.

38. Canada's delayed approach to the full implementation of immediate relief funding is of great concern, given the crucial milestones in a child's development that can occur in a five-year period. Despite these important milestones, Canada's witness admitted that child development was not considered in its phased approach to funding of FNCFS agencies. Under-cross examination, Ms. Lang stated:

Q. Ms. Clarke: Let me just ask this question on the five-year phased in approach [...] Do you consider child development when you figured out the five-year phased rollout?

A. Ms. Lang: I'm sorry, what do you mean by that?

Q. Ms. Clarke: Was there any consideration of how a child develops within those five years when the year five was chosen for the budget phased in approach?

A. Ms. Lang: In terms of individual children and how --

Q. Ms. Clarke: How children develop within five years, zero to five, five to ten, eight to thirteen? Was that considered at all in selecting year five?

A. Ms. Lang: I don't recall that being the case, but I, I don't have a firm answer on that.

Q. Ms. Clarke: Did you consider it yourself?

A. Ms. Lang: No.⁵³

⁵² Loxley Affidavit, Exhibit A: Loxley Report p 12.

⁵³ Lang Cross Examination at p 132, lines 1-16.

iv. Reallocation of funds to relieve pressures and for other purposes

39. INAC has not committed to ceasing its practice of reallocating funding for FNCFS agencies from other INAC programs for First Nations Peoples. This refusal to cease its practice of reallocating funds contradicts Canada's assurance in its May 24, 2016 submissions that Budget 2016 will "contribute to a more stable and predictable funding environment within INAC, reducing the need for reallocation from other critical programs such as infrastructure and housing".⁵⁴

40. Since the release of Budget 2016, INAC has already reallocated \$20 million from its Infrastructure budget, which, as noted in the Finance Minister's 2016 Budget Day speech, covers vital services such as housing, building schools, fire protection, and water,⁵⁵ to cover shortfalls in the Budget 2016 allocation for FNCFS Agencies.⁵⁶ According to Ms. Lang's evidence, both in her affidavit and on cross-examination, this additional \$20 million in funding is not aimed at providing immediate relief in accordance with the Decision but to "respond to pressures" faced by individual agencies related to increased maintenance costs, deficits, and changes in provincial legislation.⁵⁷

41. INAC has also re-allocated \$1.9 million from its internal budget to increase prevention services for families at risk and to adjust its funding approach for small FNCFS Agencies.⁵⁸

42. In addition to this, INAC has also re-allocated \$1.975 million from its internal budget to respond to FNCFS Agency requests for funding as part of Canada's October 28, 2016 data collection exercise.⁵⁹

43. In addition, INAC has also re-allocated \$1.5 million to respond to FNCFS Agency requests to implement a cultural vision for their programming.⁶⁰ To that end, in a letter dated October 28, 2016, Margaret Buist wrote to all FNCFS Agencies directors offering up to \$75,000 to agencies to "develop and implement culturally-based programs and tools for the community(ies)" they serve.⁶¹

44. The above evidence demonstrates that INAC is continuing its practice of transferring millions of dollars from its Infrastructure budget, despite the Tribunal's January 2016 Decision specifically noting this practice's impacts for children, given that these reallocations are from a program that addresses underlying risk factors for First

⁵⁴ Canada's Submissions in Response to April 26, 2016 Ruling, dated May 24, 2016 ["May Compliance Report"] p 8.

⁵⁵ Canada, *House of Commons Debates*, 42nd Parliament, 1st Session, March 22, 2016 at p 1925.

⁵⁶ Lang Cross Examination at p 167, lines 3-6; RFI-CL-20.

⁵⁷ Lang Affidavit at para 4. See also Lang Cross Examination at p 166, lines 2-18.

⁵⁸ Lang Affidavit at para 5; Lang Cross Examination at p 170, lines 1-6; RFI-CL-20.

⁵⁹ Lang Affidavit at para 9; RFI-CL-20.

⁶⁰ Lang Affidavit at para 9. Lang Cross Examination, at p 170, lines 5-22.

⁶¹ Lang Affidavit at Exhibit 2: October Compliance Report, Annex "A".

Nations children.⁶² The re-allocation of almost \$25.5 million from INAC's infrastructure budget undermines the investments in schools, housing, nursing stations, residences for health care workers, and water and wastewater infrastructure noted in Minister Morneau's Budget Day speech on March 22, 2016.⁶³

v. Canada's assertion that there will be no more immediate relief until its self-imposed "engagement" exercise is completed

45. According to Ms. Lang's evidence, Canada will not implement any additional immediate relief until it meets its own self-imposed requirements of:

- a. "collaboration with its partners"⁶⁴ through a "multi-pronged engagement process to gather information on agency needs and work collaboratively towards medium and long-term reform" with its partners"⁶⁵ and
- b. the provision of information on actual needs of agencies is provided.⁶⁶

46. By imposing these conditions on its immediate relief action, Canada is effectively supplanting of the Tribunal's order to "immediately" end its discriminatory conduct.

47. Despite Canada's claims that it cannot move forward with immediate relief until it satisfies the above conditions, Ms. Lang testified that Canada has no list of the identified information gaps it needs to fill in order to comply fully with the immediate relief orders, nor has anyone within government been assigned the task for compiling such a list.⁶⁷

48. Absent any idea of what information gaps that need to be filled to implement immediate relief, Canada cannot provide any specific targets for when the engagement/collaboration/information on needs exercises will be complete and First Nations children can therefore expect any further relief from Canada's discriminatory conduct. More problematic still is the fact that, as of now, there is no additional funding forecasted in INAC's five-year budget for increased service levels resulting from Canada's "multi-pronged engagement process".

⁶² *First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada*, 2016 CHRT 2 at paras 373-375.

⁶³ Canada, *House of Commons Debates*, 42nd Parliament, 1st Session, March 22, 2016 at p 1925.

⁶⁴ Lang Affidavit at para 12.

⁶⁵ Lang Affidavit at para 13.

⁶⁶ Lang Affidavit, Exhibit 2: October Compliance Report at p 2. No timeline is provided for this program reform.

⁶⁷ Lang Cross Examination, at p 62, lines 9-15.

vi. Small agencies

49. With regard to small agencies, Canada stated that it has taken “some initial steps”.⁶⁸ In particular, INAC has set a child population of 300 as the lowest threshold for funding scaling. INAC indicates that a child population count of 300 children was selected as the new threshold. This new threshold is not based on the actual needs of agencies or the financial pressures they face. Rather, the new threshold was chosen because it is “the next level up from the 250 ordered by the Tribunal in INAC’s current scale.”⁶⁹

50. In response to the Tribunal’s September 14, 2016 order, INAC also offered additional funding of \$1.9 million for prevention services and small agencies. Ms. Lang confirmed that this is not, however, “new money” but funds that have been reallocated from elsewhere within the department.⁷⁰ Documents produced in relation to the cross-examination confirm that the funds are being reallocated from INAC’s Infrastructure budget.⁷¹

51. According to Dr. Loxley’s uncontested opinion, “while being a step in the right direction, the underlying problem of inadequate funding for small agencies and large step increases in funding for relatively small increases in the child population still remain”.⁷² Dr. Loxley went on to observe that the solution proposed in Wen:de of adjusting funding smoothly for every increase in children of 25 above a minimum and up to a maximum threshold would seem to address both of these problems.

52. Canada provided no evidence in response to Dr. Loxley’s expert evidence that its current funding remains inadequate for small agencies and does not address the negative consequences of large step increases of funding for relatively small increases in child population. Likewise, Canada has failed to produce any evidence demonstrating that its approach to funding small agencies is linked to their actual needs.

⁶⁸ Lang Cross Examination, at p 90, line 13 to p 91, line 6.

⁶⁹ Lang Affidavit at Exhibit 2: October Compliance Report at p 4.

⁷⁰ Lang Cross Examination, at p 170, lines 5-22.

⁷¹ RFI-CL-20.

⁷² Loxley Affidavit, Exhibit A: Loxley Report.

vii. Child service purchase amount

53. INAC recognised that the child service purchase amount of \$100 per child (which was developed in 1989) was inadequate and raised it to \$175 per child.⁷³ INAC has stated that this amount was determined, as an interim measure, based on discussions with regional offices about the range of child service purchase amounts used across the country.⁷⁴ INAC has also stated that:

INAC recognizes that applying a nationally consistent amount may not meet the needs of individual agencies. Therefore, as part of the engagement and reform process, INAC will review the information provided by FNCFS agencies in response to its October 28 letter, and continue national and regional discussions, to define a child service purchase amount based on need.⁷⁵

54. INAC has not provided the Tribunal or the Complainants with any evidence documenting these “discussions with regional offices about the range of child service purchase amounts used across the country” or establishing the rationale behind the new child service purchase amount. According to Dr. Loxley, the increase from \$100 per child to \$175 per child “seems to be an arbitrary increase”. His uncontested opinion was that:

[t]ying the ultimate resolution to the data collection exercise is once again questionable and it also ensures further delays. Furthermore, the adjustment to the per child amount of 75% should be put into the context of an increase in the cost of living of 72% since 1989 (<http://www.statcan.gc.ca/tables-tableaux/sum-som/l01/cst01/econ46a-eng.htm>) the last date the per child amount was adjusted. There is, therefore, almost no increase in the real value of the per child amount.⁷⁶

55. In response to Dr. Loxley’s expert evidence, Canada provided no evidence that INAC’s new child service purchase amount is linked to the actual needs of FNCFS agencies or, at the very least, is reasonably comparable to what is provided across the country. Likewise, Canada has failed to provide the Tribunal with the information it requested detailing how the child service purchase amount was determined.

⁷³ In its October compliance report, INAC acknowledges that \$100 was not sufficient to meet the needs of FNCFS agencies. It wrote:

Regarding determining funding for the child service purchase amount, INAC heard, from tripartite discussions with provinces/Yukon and First Nations partners as well as concerns raised by witnesses who testified before the Tribunal, that the FNCFS program’s funding of \$100 for the child service purchase amount was not sufficient to meet needs.

⁷⁴ Lang Affidavit, Exhibit 2: October 31, 2016 Compliance Report at p 8.

⁷⁵ Lang Affidavit, Exhibit 2: October 31, 2016 Compliance Report at p 8.

⁷⁶ Loxley Affidavit, Exhibit A: Loxley Report at p 10.

viii. Receipt, assessment, and investigation of child protection reports

56. In its May 24, 2016 compliance report, Canada stated that it has allocated \$45.0 million over the next five years in additional funding to support intake and investigation services.⁷⁷ At the request of the Tribunal, INAC provided further details in its October 31, 2016 compliance report regarding its current funding for receipt, assessment and investigation. The report stated:

Regarding intake and investigation (“receipt, assessment and investigation”), INAC proactively amended its calculations to respond to possible agency needs in this area, understanding that intake and investigation are not required services under provincial standards in all regions.

In Alberta, funding calculations reflect a change in provincial service delivery and include a specific budget allocation for intake and for assessment and investigation. For both, a ratio of 1 worker to 800 children (0-18 population) was applied as a result of INAC discussions with the INAC regional office and their discussions with provincial officials. The salary amounts were estimated based on salary amounts for similar positions.

In other regions, where intake and investigation is not generally a requirement under provincial standards, a single budget item was added to support intake and investigation. This was done to allow agency service providers to use operations funding to support intake and investigation services. INAC estimated the ratio of intake and investigation workers to children by using the ratios applied to other positions in the region (e.g., the ratio of other support workers). Exceptions apply in the following regions:

- Prince Edward Island – the Mi’kmaq Confederacy of PEI (MCPEI) provides prevention services and purchases protection services (including intake and investigation) from the province
- Manitoba – INAC provided increased funds for direct service workers to support intake and investigation
- British Columbia – C3 and C4 delegated Aboriginal agencies do not provide protection services, therefore, a line item for intake and investigation was not added. A line item for intake and investigation was applied to C6 Aboriginal Agencies, which provide both prevention and protection services.

As part of the engagement and reform process, INAC will review the information provided by FNCFS agencies in response to its October 28 letter, and continue national and regional discussions to determine funding for intake and investigation services based on need.⁷⁸

⁷⁷ May Compliance Report at p 7.

⁷⁸ Lang Affidavit, Exhibit 2: October Compliance Report at pp 8-9.

57. According to Dr. Loxley's uncontested opinion, INAC's approach to determining the appropriate funding levels for receipt, assessment and investigation of child protection report is "questionable".

On the receipt, assessment and investigation of child protection reports, INAC outlines the different approaches in different Provinces and once more ties the ultimate resolution of the question to the receipt of data from the collection exercise commissioned in its October 28 letter to agencies, which will then be used in national and regional discussions. Once again, this is a questionable approach.⁷⁹

58. Canada provided no evidence in response to Dr. Loxley's expert evidence that INAC's approach to funding receipt, assessment and investigation of child protection reports is "questionable".

ix. Legal fees

59. Canada's method of funding legal fees for FNCFS Agencies remains unclear. According to past submissions made to the Tribunal, Canada has considered using the provincial legal aid rates for child welfare proceedings,⁸⁰ but has also indicated that it is willing to discuss additional options in light of concerns expressed by the Caring Society.⁸¹ Canada's May 24, 2016 submission stated that the

"development of a comprehensive approach to administering legal fees will require engagement. In the meantime, INAC Regional Offices can submit requests to be considered by INAC Headquarters for additional funds to cover these requirements".⁸²

60. Based on Canada's September 30, 2016 compliance report, the amount provided to FNCFS Agencies for legal fees varies from \$10,000 to \$50,000, depending on the province in which the FNCFS Agency is located.⁸³ The variance does not appear to be linked to provincial legal aid rates, as submitted by Canada.⁸⁴ Canada has produced no evidence demonstrating that this funding is linked to the actual needs of FNCFS Agencies or, at the very least, is reasonably comparable to what is provided by provinces/territories across the country.

⁷⁹ Loxley Affidavit, Exhibit "A": Loxley Report at p 10.

⁸⁰ Canada's March 10, 2016 Submissions to the Tribunal at para 25.

⁸¹ Canada's April 6, 2016 Submissions to the Tribunal at para 12.

⁸² May Compliance Report at p 6-7.

⁸³ Lang Affidavit, Exhibit 1: September Compliance Report, Annex C.

⁸⁴ For example, agencies in Alberta have been allocated \$ 33,500 for legal fees and agencies in Saskatchewan has been allocated \$ 40,000. Yet, as noted by Canada in its March 10, 2016 submissions regarding immediate relief (see para 25 and footnote 1), the Alberta legal aid rate is \$125 per hour while the hourly rate in Saskatchewan is \$88 per hour. Canada does not provide an explanation as to why less funds are allocated to Alberta agencies in comparison to Saskatchewan for legal fees when the standard legal aid rate is 30% higher in Alberta, as compared to Saskatchewan.

61. According to Dr. Loxley's uncontested expert opinion, it is "not likely" that INAC's approach to funding legal fees will resolve the concerns identified by the Tribunal with regards to legal fees. He explained:

On the issue of legal fees, INAC's response is that some provision is made in core funding and this varies from Province to Province. It is then prepared to review requests for additional funds to cover legal requirements on a case-by-case basis. INAC is also relying on its data collection exercise to throw light on an appropriate level of funding for legal fees in future. This is not likely the way to resolve what is really a technical/professional issue revolving around the necessary number of hours for different types of legal work and the appropriate fee per hour.⁸⁵

62. Canada provided no evidence in response to Dr. Loxley's opinion. Likewise, Canada has failed to provide the Tribunal with the information it requested detailing how the funding for legal fees was determined.

x. Building Repairs

63. In its May 24, 2016 compliance report, INAC stated that it "will pursue discussions on the broader issues of infrastructure related to FNCFS as part of future long-term reform efforts".⁸⁶ When asked by the Tribunal to provide detailed information as to how it is addressing the issue, INAC stated in its October 31, 2016 compliance report that:

[a]s part of the engagement and reform process, INAC will review the information provided by FNCFS agencies in response to its October 28 letter, and continue national and regional discussions to develop a longer-term response to infrastructure needs.⁸⁷

64. Dr. Loxley's uncontested expert opinion was that INAC's approach to funding the cost of building repairs "is not likely to resolve this issues". He explained that:

[o]n the issue of immediately addressing the costs of building repairs, INAC once more defers this until data on agency needs is collected. Given the urgency of these repairs from a safety compliance point of view, the probable lack of awareness of many agencies of the facility condition index (a tool to measure urgency of repairs on a cost basis) and given the concerns about the efficacy of the data collection exercise, this approach is not likely to resolve the issue.

65. Canada did not challenge Dr. Loxley's expert evidence that INAC's approach to funding receipt the cost of reports is "not likely to resolve the issue".

⁸⁵ Loxley Affidavit: Exhibit A, Loxley Report at p 9.

⁸⁶ May Compliance Report at p 7.

⁸⁷ Lang Affidavit, Exhibit 2: October Compliance Report at pp 7-8.

xi. Ad hoc funding for legal fees and repairs

66. In addition to the measures described above, Ms. Lang sent an email on October 24, 2016 to INAC regional offices stating that if FNCFS Agencies experienced any funding pressure relating to specific legal fees for a child, requests for additional funds should be submitted to INAC to cover these requirements. In addition, the email stated that INAC will “continue to consider requests related to minor capital expenditures [...] on a case-by-case basis.”⁸⁸

67. When asked whether the information noted in her email of October 24, 2016 was passed on to every FNCFS Agency, Ms. Lang said that she “believe[d] so”, but that she could not “speak to each specific region”⁸⁹. Under cross-examination, Ms. Lang conceded that she did not recall exactly what information she was relying on to formulate her belief that FNCFS Agencies had received the information. She also noted INAC lacked any formal mechanisms to ensure that the information was provided to FNCFS agencies:

A. Ms. Lang: I believe some of them mentioned it to me or mentioned that they were, yes, mentioned that they were sending on further, further communications or that they were having conversations.

Q. Ms. Clarke: When you say that some of them mentioned it to you, can you help me, explain what that means?

A. Ms. Lang: I believe in, in subsequent conversations, some of the regional directors indicated that they had, had forwarded that or, or that they had communicated that further.

Q. Ms. Clarke: So when you say that they mentioned it in conversations, the regional directors called you directly to say thank you for your e-mail, I've now forwarded it on to all the agencies in my region?

A. Ms. Lang: I don't recall if there were specific phone calls only to that effect. I think, I think some of them mentioned them in other conversations.

Q. Ms. Clarke: Can you just help me understand what -- what does a conversation mean?

A. Ms. Lang: I was talking with them about something, whether it was this issue or, or another issue that we may have been engaged on.

Q. Ms. Clarke: So you don't have a formal mechanism in place to ensure that when you send a direction to the regional directors, they are ensuring that their agencies know that information?

⁸⁸ Lang Affidavit, Exhibit 2: October Compliance Report, Annex B.

⁸⁹ Lang Cross Examination at p 151, lines 9-19.

A. Ms. Lang: I didn't ask for a formal communication to say that they had done that.⁹⁰

68. INAC does not have any established criteria for assessing requests for legal or building repair funds.⁹¹ INAC's witness conceded that their approach to funding legal fees and repairs is *ad hoc*.⁹² Furthermore, it is not clear how much funding is available to respond to such requests. INAC's witness advised that such *ad hoc* requests would be funded out of a "reserve fund",⁹³ which Canada later advised had \$28,536,054 allocated to it at the beginning of fiscal year 2016/2017.⁹⁴ However, it is unclear how much funding remains in the "reserve fund", or what the competing pressures on this "reserve fund" might be.

xii. Paying for Immediate Relief Based on their Actual Cost Pending a Resolution at the NAC

69. Ms. Lang's January 25, 2017 affidavit indicates that, with regard to prevention funding, "INAC is considering [...] reimbursing or funding [FNCFS] agencies based on actual costs (similar to what is done in the case of maintenance)".⁹⁵ However, when asked under cross-examination whether providing immediate relief by paying matters like legal services, intake services, or building repairs would be a possibility while INAC engages in further conversations with its partners, Ms. Lang stated:

A. Ms. Lang: Well, some of those actuals could potentially be large amounts of money. In order to be able to access large amounts of money, that may be beyond the department's resources. We would need to, to put forward a request within the federal government and we would need support, we would need clear way to establish calculations, clear support and be able to provide a solid case to move forward with the request. We can't just have something that's -- we need to have something that's, that is sound in terms of the, in terms of the background and the support, the supporting information and evidence that we can bring forward to, to have that request considered.⁹⁶

70. Ms. Lang conceded that INAC funds maintenance for children in care for more than 90 days based on their actual costs and that there was no limitation to the funding available through this stream.⁹⁷ She acknowledged that this approach contemplated paying, for example, for the maintenance cost for every First Nations child in Ontario if they were brought into care, but would not commit to paying the costs to keep children safely in their

⁹⁰ Lang Cross Examination at p 151, line 10 to p 152, line 19.

⁹¹ Lang Cross Examination at p 153, lines 12-15.

⁹² Lang Cross Examination at p 153, lines 18-23.

⁹³ Lang Cross Examination at p 154, lines 2-13.

⁹⁴ RFI-CL-10.

⁹⁵ Lang Affidavit at para 6.

⁹⁶ Lang Cross Examination at p 107, lines 10-21.

⁹⁷ Lang Cross Examination at p 327, lines 2-20.

own homes.⁹⁸ Under cross-examination, Ms. Lang was asked about INAC's rationale for providing unlimited funding to apprehend children from First Nations families while putting restrictions on funding to keep children in their homes. She stated:

A. Ms. Lang. In terms of, in terms of maintenance funding, there are specific bills to be paid to address, to address a child who has been taken into care. In terms of prevention, I think that's part of that ongoing understanding and conversation to understand what are the types of prevention needs that are out there, what do -- what types of, what types of supports can, can help to address those needs and understanding that in conjunction with what may exist already through other programs and then how, how that support could be provided and what, what information would be used to be able to determine how to fund that⁹⁹

C. Other INAC Initiatives Relating to Child Welfare

71. Since the release of the Tribunal's January 2016 Decision, INAC has commenced other initiatives that it claims are aimed at improving its FNCFS Program. For example, INAC has appointed a Minister's Special Representative ("MSR") to "gather advice and perspectives" from a range of partners across the country. Canada's witness stated that this initiative was not ordered by the Tribunal,¹⁰⁰ and is not linked to the implementation of the Tribunal's orders regarding immediate relief.¹⁰¹

72. The CV provided by Canada for the MSR contains no reference to academic credentials in social work and demonstrates that the MSR is not a registered social worker.¹⁰² Ms. Lang was also unable to confirm that MSR has any direct work experience relating to First Nations child welfare.¹⁰³

73. The MSR's Statement of Work lists seven outputs and deliverables, of which the majority relates to political relationships and reporting. Only one relates to the Tribunal's Decision. In particular, the MSR is asked to

"guide, inform and take part in the development of a final report outline actionable options for reforming the First Nations Child and Family Services Program, sensitive to the ruling of the Canadian Human Rights Tribunal, the Truth and Reconciliation Commission's Calls to Actions, and the federal/provincial/territorial considerations of child and family services on and off reserve."¹⁰⁴

74. Ms. Lang testified that the MSR is collecting "best practices" and, under cross-examination, confirmed that the phrase "best practices" appears nowhere in the MSR's

⁹⁸ Lang Cross Examination at p 324, line 18.

⁹⁹ Lang Cross Examination at p 322, lines 4-15.

¹⁰⁰ Lang Cross Examination at p 229, line 21 to p 230, line 1.

¹⁰¹ Lang Cross Examination at p 248, lines 4-9.

¹⁰² RFI-CL-27 and biographical statement identified at the website provided.

¹⁰³ Lang Cross Examination at p 230, lines 14-22.

¹⁰⁴ Lang Affidavit, Exhibit 4: Minister's Special Representative Statement of Work.

statement of work,¹⁰⁵ and agrees that the Tribunal did not direct INAC to undertake this exercise.¹⁰⁶

75. On December 6, 2016, the First Nations Leadership Council, composed of the First Nations Summit, the Union of BC Indian Chiefs and the BC Assembly of First Nations wrote an open letter to Minister Bennett expressing concerns about unilateral the appointment of Dr. Wesley-Esquimaux as the MSR. The First Nations Leadership Council also expressed concerns with respect to Canada's failure to comply with the Tribunal's January 2016, April 2016, and September 2016 Decisions and about the vague goals and lack of transparency regarding the MSR's discussions with First Nations and FNCFS Agencies relating to child welfare.¹⁰⁷

76. During the AFN Special Chiefs Assembly on December 6, 7, and 8, 2016, the Chiefs in Assembly unanimously passed a resolution expressing deep concern regarding Canada's failure to immediately and fully comply with the Tribunal's January 2016 Decision and its ensuing April 2016 and September 2016 remedial orders. The resolution also expressed concern about the lack of accountability for the MSR and called on INAC to reorient her mandate to increase INAC's capacity to comply with the Tribunal's January 2016 Decision and further remedial orders and to implement the Truth and Reconciliation Commission's Calls to Action.¹⁰⁸ Ms. Lang confirms that, notwithstanding the federal government's statement that it takes a Nation to Nation relationship with First Nations and that Chiefs across Canada voted for the AFN resolution, Canada took no action to change the MSR's work, scope or meetings.¹⁰⁹

77. Canada is also in the process of organising a "Youth Summit" with former youth in care. The decision to organise the Summit was taken unilaterally by INAC and Ms. Lang could not recall specifically any partners specifying there was a need for this.¹¹⁰ Canada's witness was also unaware of any ethical standards to be followed by Canada when speaking to youth about their experience in care.¹¹¹

D. Jordan's Principle

78. On January 26, 2016, the Tribunal ordered Canada to "cease applying its narrow definition of Jordan's Principle and to take measures immediately to implement the full meaning and scope of Jordan's Principle."¹¹² In its January 2016 Decision, the Tribunal described Jordan's Principle in the following terms:

¹⁰⁵ Lang Cross Examination at p 233, line 15 to p 234, line 6.

¹⁰⁶ Lang Cross Examination at p 235, lines 4-10.

¹⁰⁷ Blackstock Affidavit at para 43. See also Blackstock Affidavit, Exhibit U: Letter of the First Nations Leadership Council to Minister Bennett.

¹⁰⁸ Blackstock Affidavit at para 45. See also Blackstock Affidavit, Exhibit W: letters from participants at the Special Chiefs Assembly of the Assembly of First Nations.

¹⁰⁹ Lang Cross Examination at p 250, line 11 to p 252, line 1.

¹¹⁰ Lang Cross Examination at p 228, lines 4-13.

¹¹¹ Lang Cross Examination at p 227, line 21 to p 228, line 3.

¹¹² *FNCFCSC et al v AGC*, 2016 CHRT 2 at para 481.

Jordan's Principle is a child first principle and provides that where a government service is available to all other children and a jurisdictional dispute arises between Canada and a province/territory, or between departments in the same government regarding services to a First Nations child, the government department of first contact pays for the service and can seek reimbursement from the other government/department after the child has received the service. It is meant to prevent First Nations children being denied essential public services or experiencing delays in receiving them [emphasis in original].¹¹³

79. Since the Tribunal's January 26, 2016 decision, Health Canada has been deeply involved in Canada's response concerning Jordan's Principle. A February 15, 2016 Memorandum to the Minister of Health, a version of which was released via an access to information request, states that "[Health Canada] is directly implicated as the decision is directed to the [Government of Canada] broadly."¹¹⁴ Ms. Buckland confirmed under cross-examination that Health Canada's view is that it is imperative that Health Canada work closely with INAC throughout the process of responding to the Tribunal's decision regarding Jordan's Principle.¹¹⁵

i. Canada's slow implementation re Jordan's Principle

80. Canada's early actions regarding Jordan's Principle (February-April 2016) did not "immediately" alleviate the discrimination for children in any discernible way.

81. Instead, Canada's actions were limited to internal analysis of the Tribunal's decision and communications with Jordan's Principle focal points and the executives of Health Canada's regional branches.¹¹⁶ Based on Canada's April 6, 2016 further submissions regarding immediate relief, it would appear that discussions between INAC and Health Canada did not begin until sometime between March 10, 2016 and April 6, 2016.¹¹⁷ A June 1, 2016 Record of Decisions of a First Nations and Inuit Health Branch senior management committee meeting notes that "interim measures" regarding Jordan's Principle were not in place until May 10, 2016¹¹⁸ (the same day Canada's first compliance report regarding Jordan's Principle was due).¹¹⁹

¹¹³ *FNCFCSC et al v AGC*, 2016 CHRT 2 at para 351.

¹¹⁴ Buckland Cross Examination, Exhibit 2: Memorandum to Minister of Health re Impacts of the Canadian Human Rights Tribunal's Decision on Health Canada (Assembly of First Nations / First Nations Child and Family Caring Society Human Rights Complaint), created February 15, 2016 at p 2.

¹¹⁵ Buckland Cross Examination at p 10, line 22 to p 11, line 6.

¹¹⁶ Buckland Cross Examination at p 30, line 15 to p 33, line 25.

¹¹⁷ Canada's Further Submissions on Remedy, dated April 6, 2016 at para 9.

¹¹⁸ RB-RFI-#5: Bundle of First Nations Inuit and Health Branch Records of Decisions at p 13 (FNIHB SMC-Operations, Wednesday, June 1st, 2016; 1:00 – 4:00 PM, Record of Decisions at p 2).

¹¹⁹ *First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada*, 2016 CHRT 10 at para 34.

82. Despite Ms. Buckland's evidence that Canada was aware "right away that we needed to engage with our partners to be able to fully respond to the Tribunal's decision",¹²⁰ and Canada's assertion as early as March 10, 2016 that "[c]hanges to Jordan's Principle will have an impact beyond the parties and require engagement with a wide range of partners",¹²¹ it would take Canada nearly three and a half months following the Tribunal's January 26, 2016 decision to formally reach out to "its partners".¹²² Ms. Buckland was not able to provide a credible explanation for this delay.¹²³ Of note: Canada's efforts to "reach out to its partners" came the day before the date fixed by the Tribunal for the submission of Canada's first compliance report regarding Jordan's Principle (May 10, 2016).¹²⁴

83. Canada's Budget 2016, released on March 22, 2016, contained no funding for Jordan's Principle.

84. As of April 6, 2016, Canada's public position regarding its response to the Tribunal's January 26, 2016 ruling regarding Jordan's Principle was to state on its website that its approach to Jordan's Principle was "under review".¹²⁵

85. Due to Canada's lack of action to comply with its January 26, 2016 order, the Tribunal pronounced a more specific definition of Jordan's Principle in its subsequent April 26, 2016 remedial order. In its April 26, 2016 order, the Tribunal noted Canada's lack of action with regard to Jordan's Principle and clarified that its January 26, 2016 order required Canada "to 'immediately implement', not immediately start discussions to review the definition in the long-term."¹²⁶

86. In its April 26, 2016 remedial order, the Tribunal ordered Canada to apply the following definition of Jordan's Principle: "all jurisdictional disputes (this includes between federal government departments) and involving all First Nations children (not only those children with multiple disabilities)."¹²⁷

87. On May 10, 2016, Canada stated in its compliance report that it had eliminated "the requirement that First Nations children on reserve must have multiple disabilities that require multiple service providers"¹²⁸ and had "expanded Jordan's Principle to apply to all jurisdictional disputes and now includes those between federal government departments".¹²⁹ However, Canada's May 10, 2016 submission failed to confirm Canada

¹²⁰ Buckland Cross Examination at p 29, lines 6-21.

¹²¹ Canada's March 10, 2016 submissions regarding immediate relief at para 26.

¹²² Buckland Cross Examination, Exhibit 4: May 9, 2016 letter from S. Perron and P. Isaak to "Distribution List", also filed as part of Annex "I" to Canada's October 31, 2016 compliance report.

¹²³ Buckland Cross Examination at p 27, line 8 to p 30, line 10.

¹²⁴ *First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada*, 2016 CHRT 10 at para 34.

¹²⁵ Canada's Further Submissions on Remedy, dated April 6, 2016 at para 13.

¹²⁶ *FNCFCSC et al v AGC*, 2016 CHRT 10 at para 32.

¹²⁷ *FNCFCSC et al v AGC*, 2016 CHRT 10 at para 33.

¹²⁸ May Compliance Report at para C1.

¹²⁹ May Compliance Report at para C2.

was applying Jordan's Principle to all First Nations children and to all public services available to other children.

88. The Caring Society's June 8, 2016 submission regarding Canada's May 10, 2016 and May 24, 2016 compliance reports noted that Canada's May 10, 2016 compliance report was vague,¹³⁰ and specifically noted that the May 10, 2016 compliance report did not specifically confirm that Jordan's Principle would apply to all children.¹³¹

89. On July 5, 2016, the Honourable Carolyn Bennett, Minister of Indigenous and Northern Affairs, and the Honourable Jane Philpott, Minister of Health, jointly announced Canada's "new approach" to Jordan's Principle without consultation with First Nations or the Parties.¹³² As the fact sheet attached to Minister Bennett and Minister Philpott's joint statement specified, "[t]he Government of Canada's new approach to Jordan's Principle is a child-first approach that addresses in a timely manner the needs of First Nations children living on reserve with a disability or a short-term condition."¹³³

ii. The Child First Initiative

90. The Child First Initiative is composed of three components: (1) an Enhanced Service Coordination Function; (2) a Service Access Resolution Fund; and (3) data collection to support a longer-term approach to Jordan's Principle commencing April 1, 2019.¹³⁴

91. During the cross-examination of Ms. Buckland, the Caring Society learned that these three components are to be carried out from now until March 31, 2019 on the strength of \$382 million in funding (reduced annually by any funds unspent, which are returnable to Canada's general revenue), broken down in the following amounts:

- a. \$38 million allocated to Enhanced Service Coordination;
- b. \$327 million allocated to the Service Access Resolution Fund; and
- c. \$17 million allocated to contractors and Full Time Equivalent civil servant human resources.¹³⁵

¹³⁰ Caring Society's June 8, 2016 submission regarding Canada's May 10, 2016 and May 24, 2016 compliance reports ["Caring Society June Submissions"] at para 69.

¹³¹ Caring Society June Submission at para 70(c).

¹³² Lang Affidavit, Exhibit 2: October Compliance Report, Annex I: Joint Statement from the Minister of Health and the Minister of Indigenous and Northern Affairs on Responding to Jordan's Principle, dated July 5, 2016.

¹³³ Lang Affidavit, Exhibit 2: October Compliance Report, Annex I: Fact Sheet: Jordan's Principle – Addressing the Needs of First Nations Children.

¹³⁴ Lang Affidavit, Exhibit 2: October Compliance Report at Annex I.

¹³⁵ Buckland Cross Examination at p 104, line 19 to p 107, line 17; & Exhibit 6: Excerpt from Health Canada Presentation to the Health Committee of the Mi'kmaq-Canada-Nova Scotia Tripartite Forum, dated August 29, 2016.

92. During the cross-examination of Ms. Buckland, the Caring Society learned that the Enhanced Service Coordination envelope is broken down per region, with set amounts allocated per fiscal year in the following amounts (for regional breakdowns per year, see RFI-RB-8):

- a. 2016/17: \$7.5 million;
- b. 2017/18: \$15.3 million; and
- c. 2018/19: \$15.6 million.¹³⁶

93. During the cross-examination of Ms. Buckland, the Caring Society learned that the Service Access Resolution Fund envelope is not divided regionally,¹³⁷ and is broken down per fiscal year in the following amounts:

- a. 2016/17: \$76.6 million;
- b. 2017/18: \$115.3 million; and
- c. 2018/19: \$132.1 million.¹³⁸

94. However, when considering the Service Access Resolution Fund envelope, it must be recalled that, as the Caring Society learned during Ms. Buckland's cross-examination, any funds that go unspent within a fiscal year, even if those funds have been assigned to meet a service need by Health Canada, are returned to the Consolidated Revenue Fund.¹³⁹

95. Accordingly, of the \$76.6 million of the Service Access Fund allocated to the 2016/17 fiscal year, Canada could only confirm that \$5.7 million (7%) had been spent as of January 11, 2017 (more than 6 months after the Child First Initiative had been announced).¹⁴⁰ While an additional \$5.3 million of the Service Access Resolution Fund envelope had been allocated as of January 11, 2017, that money remains liable to being returned to the Consolidated Revenue Fund if it is not expended in the 11 weeks remaining in the fiscal year. The same is true of the remaining \$59.4 million in funds that were unallocated as of January 11, 2017 (for a total of 22% of the total Service Access Resolution Fund envelope).

iii. Canada's limited and fluctuating definitions of Jordan's Principle

96. On July 6, 2016, Canada confirmed to the Tribunal that its approach was limited to First Nations children living on-reserve with a disability or short-term condition requiring health or social services.¹⁴¹

¹³⁶ Request for Information on Buckland Cross Examination ["RFI-RB"] RFI-RB-8.

¹³⁷ Buckland Cross Examination at p 109, lines 4-23.

¹³⁸ RFI-RB-9.

¹³⁹ Buckland Cross Examination at p 110, line 5 to p 111, line 11.

¹⁴⁰ Buckland Affidavit, at Exhibit "A".

¹⁴¹ Canada's July 6, 2016 further reply submissions regarding immediate relief at para 36.

97. In its September 14, 2016 decision, the Tribunal criticized Canada for its narrow analysis of Jordan's Principle, noting that "[t]his type of narrow analysis is to be discouraged moving forward as it can lead to discrimination".¹⁴²

98. The definition Canada used in its new approach to Jordan's Principle was also criticized by the Tribunal in its September 14, 2016 decision as appearing too restrictive, such that Canada was required to explain no later than October 31, 2016 "why it formulated its definition of Jordan's Principle as such so that [the Tribunal] can assess its full impact."¹⁴³

99. On September 26, 2016, Dr. Blackstock, on behalf of the Caring Society, wrote to Minister Philpott, expressing serious concern that Health Canada officials were promulgating Canada's restrictive definition of Jordan's Principle publicized on July 5, 2016 and criticized by the Tribunal in its September 14, 2016 decision, in official government presentations.¹⁴⁴

100. In its October 31, 2016 compliance report, Canada justified its focus on children with a disability or short-term condition requiring health or social services due to these children being "the most vulnerable" First Nations children.¹⁴⁵ Canada did not specifically confirm in its October 31, 2016 compliance report that Jordan's Principle was being applied to all First Nations children, residing on- and off-reserve.¹⁴⁶ Minister Philpott did not respond to the Caring Society's September letter until October 27, 2016, stating that Health Canada officials would discuss Canada's approach to Jordan's Principle at the Tribunal's case conference then expected for November 2016, and that further details would be provided in Canada's October 31, 2016 compliance report.¹⁴⁷

101. Canada's October 31, 2016 compliance report demonstrated that Canada was failing to ensure that all First Nations children had access to the services they require, without delay. Notably, Annex "I" to Canada's October 31, 2016 compliance report demonstrated that the contents of the September 21-22, 2016 Health Canada Jordan's Principle presentation that caused Dr. Blackstock to write to Minister Philpott on September 26, 2016 and that caused the Caring Society's counsel to write to Canada's counsel on October 11, 2016,¹⁴⁸ were being used widely by government officials across the country.

102. While a variety of iterations of the July 5, 2016 definition were used,¹⁴⁹ the emphasis remained on First Nations children living with a disability or short-term

¹⁴² *FNCFCSC et al v AGC*, 2016 CHRT 16 at para 118.

¹⁴³ *FNCFCSC et al v AGC*, 2016 CHRT 16 at para 119.

¹⁴⁴ Exhibit RB-8, Letter from Dr. C. Blackstock to the Hon. J. Philpott dated September 26, 2016.

¹⁴⁵ Lang Affidavit, Exhibit 2: October Compliance Report at p 6.

¹⁴⁶ Lang Affidavit, Exhibit 2: October Compliance Report at pp 5-7.

¹⁴⁷ Exhibit RB-9, Letter from the Hon. J. Philpott dated October 27, 2016.

¹⁴⁸ Exhibit RB-10, Letter from Dr. C. Blackstock to the Hon. J. Philpott, dated November 14, 2016 at p 8 (Letter from D. Taylor to J. Tarlton, dated October 11, 2016).

¹⁴⁹ Exhibit RB-10, Letter from Dr. C. Blackstock to the Hon. J. Philpott, dated November 14, 2016 at pp 2-3.

condition. This emphasis was cause for great concern, given that Canada's October 31, 2016 compliance report and attached annexes made it clear that Canada was negotiating service agreements with third parties to provide a new "Enhanced Service Coordination" function, based on a definition that did not comply with the Tribunal's April 26, 2016 order, and was imposing service delays through the "Service Access Resolution" function contrary to the Tribunal's April 26, 2016 order. Dr. Blackstock raised these concerns with Minister Philpott in a November 16, 2016 letter.¹⁵⁰

103. Since defending its approach to Jordan's Principle as one that "include[d] proactive measures that include a focus on the most vulnerable children" in its October 31, 2016 compliance report,¹⁵¹ Canada's evidence is now that it "is reviewing all cases in which a First Nations child has been identified with a need for health or social care services/supports, regardless of their condition or place of residency."¹⁵² Under cross-examination, Ms. Buckland attempted to explain that:

[...] a child living on reserve with an interim, a condition or short-term condition or a disability affecting their activities of daily living was a focus of our efforts, was and is a focus of our efforts in terms of Jordan's Principle.

[...]

The focus on First Nations children on reserve with a disability or a short-term condition with -- that affects their activities of daily living is an effort, is our effort to try to get at a segment of the population, a subset of the population where we feel there is an opportunity to make -- where we feel there is the greatest need and where we feel there is an opportunity to make the greatest difference.¹⁵³

104. According to Ms. Buckland's version of events, Canada's approach always applied to all First Nations children, and the public emphasis and communication limited to First Nations children living on-reserve with a disability or short-term condition was a communications error.¹⁵⁴ In a December 22, 2016 letter to the Caring Society, Minister Philpott also referenced a need to update Canada's briefing materials and publicly available information to reflect "that Canada agrees that Jordan's Principle applies to all First Nations children and fully supports the Canadian Human Rights Tribunal's ruling."¹⁵⁵

105. Ms. Buckland's evidence that Canada has always applied a broad definition of Jordan's Principle is contradicted by other evidence provided by Canada,¹⁵⁶ including in

¹⁵⁰ Exhibit RB-10, Letter from Dr. C. Blackstock to the Hon. J. Philpott, dated November 14, 2016.

¹⁵¹ Lang Affidavit, Exhibit 2: October Compliance Report at p 6.

¹⁵² Buckland Affidavit at para 4.

¹⁵³ Buckland Cross Examination at p 39, line 17 to p 40, line 21.

¹⁵⁴ Buckland Cross Examination at p 16, lines 7-22; at p 40, lines 22-25; at p 44, line 8 to p 45, line 10.

¹⁵⁵ Buckland Affidavit, Exhibit "G": Letter from Hon. J. Philpott to Dr. C. Blackstock, dated December 22, 2016.

¹⁵⁶ Lang Affidavit, Exhibit 2: October Compliance Report at Annex I: Fact Sheet: Jordan's Principle – Addressing the Needs of First Nations Children; Canada's July 6, 2016 further reply submissions regarding

the August 2016 Interim Guidance document attached to Ms. Cranton's affidavit as Exhibit "E" (provided to the complainants and interested parties after Ms. Buckland's cross-examination was complete),¹⁵⁷ and Ms. Cranton's evidence on her cross-examination that "I agree that that has been sort of a shifting definition" and that at least in the first half of 2016, Canada's approach to Jordan's Principle was limited to First Nations children living on-reserve with a disability or short-term condition.¹⁵⁸

106. Following a request for information during the course of Ms. Buckland's cross-examination, Canada provided 14 separate draft versions of a Jordan's Principle intake form (variously titled "Jordan's Principle-Child First Initiative Form Version 1.0"; "Jordan's Principle-Child First Initiative Form Version 2.0"; "Jordan's Principle Case Tracking Form"; and "Jordan's Principle Case Management Form"). The evolution of these forms may reflect the evolution of Canada's approach (as Ms. Buckland stated in her cross-examination: "we're working on getting it perfect and I would say with the first draft of our intake form, we didn't have it perfect")¹⁵⁹ but certainly reflects the restrictive nature of the initial definition formulated by Canada when the Child First Initiative was announced remains largely intact.

107. Indeed, the first version of the Intake Form contains three points at which continued consideration of a Jordan's Principle case appears to be exceptional: question 3.2 "Status" (Is service being considered despite **status** ineligibility? [emphasis in original]),¹⁶⁰ question 3.3 "Residence" (If [the reason for leaving the reserve was not to access services], is service being considered despite **residency** ineligibility [emphasis in original]),¹⁶¹ and question 3.5 "Normative Standard" (if [the province would not make an exception to the fact that the service/product is outside of provincial normative standard and still pay], is service still being considered despite not meeting **provincial normative standard** eligibility?).¹⁶²

immediate relief at para 36. Canada's October 31, 2016 compliance report at p 6-7. Exhibit G of Buckland Affidavit, Letter from Minister Philpott to Dr Cindy Blackstock, dated December 22, 2016; Canada's October 31, 2016 compliance report at p 6; Canada's October 31, 2016 compliance report at Annex I: Atlantic First Nations Health Partnership, Public Health and Primary Care Committee Update (July 5-6, 2016); Canada's October 31, 2016 compliance report at Annex I: Letter dated August 4, 2016 from Debra Keays-White (Regional Executive Officer, FNIHB Atlantic Region) to Atlantic First Nations Chiefs; Letter dated July 7, 2016 from Jocelyn Andrews (Regional Executive Officer, FNIHB Alberta Region) to Chiefs of Alberta; Letter dated August 8, 2016 from Shawn Grono (Director of Nursing, FNIHB Alberta Region) to All FNIHB and Band Employed Nurse; Health Canada Information Sheet for Nursing Staff re Jordan's Principle (undated).

¹⁵⁷ Affidavit of Lee Cranton sworn February 10, 2017 ["Cranton Affidavit"] at Exhibit "E", "Child First Initiative Based on Jordan's Principle: Interim Guidance for NIHB Regional Medical Transportation Staff", dated August 8, 2016.

¹⁵⁸ Cranton Cross Examination at p 79 line 23 to p 80 line 21.

¹⁵⁹ Buckland Cross Examination at p 50, line 24 to p 51, line 1.

¹⁶⁰ RFI-RB-4a at pp 2-3.

¹⁶¹ RFI-RB-4a at p 3.

¹⁶² RFI-RB-4A at p 4.

108. Status ineligibility, residency ineligibility, and provincial normative standard ineligibility remained grounds for exceptional consideration in the second version of the Jordan's Principle-Child First Initiative Form Version 1.0.¹⁶³

109. In the third version of the Jordan's Principle-Child First Initiative Form Version 1.0, the list of potential grounds of ineligibility grew to five, with a further ground of ineligibility was added at question 4.0 "Age" (Is service being considered despite **age** ineligibility? [emphasis in original]),¹⁶⁴ and at question 4.4 Disability (Is service being considered despite **disability** ineligibility? [emphasis in original]).¹⁶⁵

110. The five grounds of ineligibility (age, status, residency, disability, and provincial normative standard), were maintained through the first version of the Jordan's Principle-Child First Initiative Form Version 2.0,¹⁶⁶ as well as the second,¹⁶⁷ third,¹⁶⁸ fourth,¹⁶⁹ fifth,¹⁷⁰ sixth,¹⁷¹ and seventh¹⁷² versions of that document.

111. Canada eliminated the status- and residency-related grounds of ineligibility from the tenth version of its intake form, the "Jordan's Principle Case Tracking Form" (see questions 3.2 "Status" and 3.3 "Residence"), asking for "details" for non-status and off-reserve children (though these two questions remained under the heading "Eligibility" in the questionnaire). Ineligibility criteria were maintained for age (question 3.1), disability (question 3.4), and provincial normative standard (question 5.1.1).¹⁷³

112. Canada's November 2, 2016 "Jordan's Principle Case Management Form" maintained references regarding ineligibility on the grounds of age (question 3.1) and disability (question 3.4), but dropped the reference to "eligibility" with regard to the provincial standard of care, asking instead "If [the product/service does not meet provincial/territorial normative standard], explain why the service/product is still being considered despite not meeting provincial/territorial normative standard".¹⁷⁴

113. The twelfth version of Canada's Jordan's Principle intake form, the December 2, 2016 "Jordan's Principle Case Management Form", dropped all references to "ineligibility", instead changing the heading of section 3.0 of the form from "Client Eligibility" to "Client Information", and requesting "details" regarding children living off-reserve, for requests for individuals who were not "children" according to the

¹⁶³ RFI-RB-4a at pp 11-13.

¹⁶⁴ RFI-RB-4a at p 20.

¹⁶⁵ RFI-RB-4a at pp 21-22.

¹⁶⁶ RFI-RB-4a at pp 28-35 (see questions 3.1, 3.2, 3.3, 3.4, and 5.1.1)

¹⁶⁷ RFI-RB-4a at pp 38-45 (see questions 3.1, 3.2, 3.3, 3.4, and 5.1.1)

¹⁶⁸ RFI-RB-4a at pp 47-51 (see questions 3.1, 3.2, 3.3, 3.4, and 5.1.1)

¹⁶⁹ RFI-RB-4a at pp 53-57 (see questions 3.1, 3.2, 3.3, 3.4, and 5.1.1)

¹⁷⁰ RFI-RB-4a at pp 59-64 (see questions 3.1, 3.2, 3.3, 3.4, and 5.1.1)

¹⁷¹ RFI-RB-4a at pp 66-71 (see questions 3.1, 3.2, 3.3, 3.4, and 5.1.1)

¹⁷² RFI-RB-4a at pp 73-77 (see questions 3.1, 3.2, 3.3, 3.4, and 5.1.1)

¹⁷³ RFI-RB-4a at pp 79-83.

¹⁷⁴ RFI-RB-4a at pp 85-89.

province/territory of residence, for non-status children, or for children who did not have a disability or interim critical condition,¹⁷⁵ and an explanation for children for whom the request was not within the provincial normative standard.¹⁷⁶

114. The approach taken in the December 2, 2016 version of the “Jordan’s Principle Case Management Form” was maintained for the December 6, 2016 and December 12, 2016 versions of the “Jordan’s Principle Case Management Form”,¹⁷⁷ and for the version dated December 13, 2016 that the Caring Society understands is the Jordan’s Principle intake form currently in use.¹⁷⁸

115. The sequence described above demonstrates that some time on or before November 2, 2016, Canada excluded “residence” and “status” as ground of presumptive ineligibility, as it was ordered to do with regard to residence,¹⁷⁹ and encouraged to do with regard to status (in the context of the Tribunal’s consideration of eligibility under the *1965 Agreement*).¹⁸⁰ Sometime between November 2, 2016 and December 2, 2016 (following the Caring Society’s November 14, 2016 letter),¹⁸¹ Canada removed the remaining references to ineligibility from its intake form.

116. In addition to the sequence described above, Ms. Cranton confirmed in her cross-examination that a restrictive definition, limited to children on-reserve and with a disability or short-term condition, was applied in the interim period following the Tribunal’s January 2016 decision, and into summer 2016.¹⁸²

117. Regardless of amendments in Canada’s intake form, Canada has presented no evidence demonstrating good faith efforts to ensure First Nations and the public were aware of the changing approach and inviting them to report cases based on the new criteria. In fact, Ms. Buckland acknowledged that the definition of children with critical short term illnesses and disabilities was still being promoted on the Government’s website the day of her cross examination (February 6, 2017) and that this definition was continued to be used in correspondence with First Nations.

118. Absent external stimuli (the Tribunal’s rulings and pressure from the parties to this complaint), Canada fails to take action and even when it does expand its narrow approaches internally, it withholds the new approaches secret from First Nations and the public whilst actively promoting a consistently narrow approach.

¹⁷⁵ RFI-RB-4a at pp 93-94.

¹⁷⁶ RFI-RB-4a at p 98.

¹⁷⁷ RFI-RB-4a at pp 102-109; RFI-RB-4a at pp 111-118.

¹⁷⁸ RFI-RB-4b at pp 1-8.

¹⁷⁹ *First Nations Child and Family Caring Society et al v Attorney General of Canada*, 2016 CHRT 16 at para 118.

¹⁸⁰ *First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada*, 2016 CHRT 16 at para 98.

¹⁸¹ Exhibit RB-10, Letter from Dr. C. Blackstock to Hon. J. Philpott, dated November 14, 2016.

¹⁸² Cranton Cross Examination at p 79, line 11 to p 80, line 21.

119. This lack of action, and the exclusions it creates, is all the more concerning given that only Health Canada is engaged in a process of looking at past Jordan's Principle cases where services were denied (though Canada has yet to respond to the AFN's request for information regarding the number of years into the past this process is considering).¹⁸³ INAC has yet to undertake such a review.¹⁸⁴

iv. Canada's approach to Service Access Resolution imposes delays through case conferencing

120. During her cross-examination, Ms. Buckland described the way in which First Nations children can access the Service Access Resolution Fund where they are not receiving a service due to a jurisdictional conflict or service gap.

121. Under cross-examination, Ms. Buckland summarized Canada's approach to Jordan's Principle in the following way:

[...] if a case comes forward with a First Nation child who has a need, a health or social service need that is not being met by the programs that are available to that child, then we will work to make sure that we either assist the family and the child in terms of navigating to those services and getting access to those services or we will provide funding for those services [emphasis added].¹⁸⁵

122. The above summary, and the balance of Ms. Buckland's cross-examination, make it clear that Canada's "service navigation approach" imposes delays on First Nations children attempting to access the Service Access Resolution Fund. These delays essentially arise due to an approach that construes the Service Access Resolution Fund as a fund of last resort.¹⁸⁶

123. During her cross-examination, Ms. Buckland explained that, in situations where a Jordan's Principle case comes to Canada's attention through the local Jordan's Principle focal point, the focal point completes the intake form and sends it to headquarters via email.¹⁸⁷ The case is then evaluated by staff at headquarters, who first evaluate the case to determine if an existing program within Health Canada or INAC will pay for the service requested.¹⁸⁸

124. In cases where the "service navigation approach" does not resolve the service need, headquarters staff will then determine whether the case can be determined at the staff level, the Executive Director level, or the Assistant Deputy Minister level.¹⁸⁹ In such cases, Canada has set the following service standards:

¹⁸³ Buckland Cross Examination at p 285, line 14 to p 287, line 1.

¹⁸⁴ Lang Cross Examination at p 146, line 16 to p 147, line 5.

¹⁸⁵ Buckland Cross Examination at p 51, lines 3-9.

¹⁸⁶ Buckland Cross Examination at p 76, line 25 to p 78, line 8.

¹⁸⁷ Buckland Cross Examination at p 65, line 19 to p 67, line 3.

¹⁸⁸ Buckland Cross Examination at p 78, lines 3-8.

¹⁸⁹ Buckland Cross Examination at p 65, line 19 to p 67, line 3.

- a. Urgent cases: 12 hours;
- b. Cases within a province's normative standard: 5 days;
- c. Cases outside a province's normative standard: 7 days; and
- d. Large group cases: 7 days (in reality, 2 weeks).¹⁹⁰

125. Canada's decision to place "service navigation" as a precondition to accessing the Service Access Resolution Fund imposes delays on First Nations children. An example presented to Ms. Buckland during her cross-examination is illustrative:

- a. January 19, 2017: Ms. Buffalo requests assistance from Health Canada with regard to bussing her son;
- b. January 19, 2017: Health Canada requests further information from Ms. Buffalo;
- c. January 20, 2017: Ms. Buffalo provides the information requested;
- d. January 27, 2017: Health Canada advises Ms. Buffalo that Health Canada is working with INAC to determine whether INAC's education program could assist with the request; and
- e. February 3, 2017: Ms. Buffalo writes to Health Canada requesting an update.

126. In Ms. Buffalo's case, there was a delay of at least two weeks following Ms. Buffalo's having provided complete information, caused by Health Canada's attempt to identify an INAC program that could pay for the service. The arm of government first contacted did not address the matter directly (by either funding the service and seeking reimbursement from INAC's education program, or denying Ms. Buffalo's request), as it is required to do by Jordan's Principle. As Ms. Buckland conceded under cross-examination, the response to Ms. Buffalo's case demonstrates that "there's additional work to be done".¹⁹¹

v. Canada's lack of performance measurement regarding Jordan's Principle

127. The data collection component of Canada's "Child First Initiative" remains in its nascent stage. While Ms. Buckland's affidavit asserts that Canada's "[i]nternal processes will further be refined to improve data collection and reporting",¹⁹² Ms. Buckland's evidence on cross-examination demonstrates that Canada's data collection process is in fact at the development, as opposed to the refinement stage. As Ms. Buckland put it, Canada's "focus has been identify the kids, work to meet their needs and, and get the money out the door so that those needs are met. So the focus has not been refining and spending time on all of the policies and procedures."¹⁹³

¹⁹⁰ Buckland Cross Examination at p 67, lines 6-13; at p 72, lines 6-21.

¹⁹¹ Buckland Cross Examination at p 82, lines 1-12; see also generally p 76, line 16 to p 82, line 17.

¹⁹² Buckland Affidavit at para 19.

¹⁹³ Buckland Cross Examination at p 92, lines 12-15.

128. At this stage, Canada is not formally tracking the number of Jordan's Principle cases that are denied or in progress,¹⁹⁴ nor the number of cases in which its "service standards" are met for making a decision regarding a Jordan's Principle case.¹⁹⁵ As Ms. Buckland conceded Canada's procedures for tracking Jordan's Principle cases "definitely needs to be augmented to further track with better detail."¹⁹⁶

129. However, as the Tribunal recognized in its January 26, 2016 decision and reiterated in its September 14, 2016 remedial decision, "[m]ore than just funding, there is a need to refocus the policy of the program to respect human rights principles and sound social work practice."¹⁹⁷

130. Canada's lack of information about the number of Jordan's Principle cases in progress, the number of Jordan's Principle cases that have been denied, or the time that it is taking to process Jordan's Principle cases (including whether or not Canada's service standards are being met) makes it impossible to determine whether Canada's approach respects human rights principles and sound social work practice.

vi. Canada's lack of an appropriate appeals process for Jordan's Principle cases

131. In her January 25, 2017 affidavit, Ms. Buckland advised that "Canada is implementing an approval and appeal process to review all requests in a timely manner."¹⁹⁸ However, under cross-examination, Ms. Buckland advised that the appeal process was simply one in which the family of a child that had been denied the service advised the local Jordan's Principle focal point of the desire to appeal, following which the case would be referred for review at the Assistant Deputy Minister level.¹⁹⁹

132. The flow chart (dated after Ms. Buckland's cross-examination) that was provided by Canada in response to the Caring Society's request for documents relating to the appeal process confirms the *ad hoc* nature of this process.²⁰⁰

133. More concrete measures are required to ensure fair process for families of children whose requests for services under Jordan's Principle are refused. The *ad hoc* procedures formulated by Canada provide no assurance as to the timeliness of the appeal process.

134. The appeal procedures described and provided, such as they are, also give no details as to the "rationale" that will be given to the family. In fact, Ms. Buckland's evidence regarding the one case of service denial of which she was aware was that Canada's

¹⁹⁴ Buckland Cross Examination at p 97, line 10 to p 98, line 2.

¹⁹⁵ Buckland Cross Examination at p 72, line 22 to p 73, line 22.

¹⁹⁶ Buckland Cross Examination at p 96, line 25 to p 97, line 1.

¹⁹⁷ *First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada*, 2016 CHRT 2 at para 482; *First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada*, 2016 CHRT 16 at para 29.

¹⁹⁸ Buckland Affidavit at para 11.

¹⁹⁹ Buckland Cross Examination at p 117, line 3 to p 118, line 7.

²⁰⁰ RFI-RB-11 at p 2.

“rationale” was provided to the family over the phone,²⁰¹ leaving the family with no written record of the reasons for the service denial. While it is certainly of benefit for the family to have the opportunity to have their questions regarding the service denial answered, it is essential that families be provided with a written record of the rationale for the service denial, in order to ensure future precision regarding the reasons for service denials moving forward in the appeal process, and to enable the family to better seek assistance in appealing a service denial.

E. The Caring Society’s Efforts to Help Canada Comply with the Decision

135. Before the Decision was released and thereafter, the Caring Society has made multiple and sustained efforts to propose evidence-based methods and mechanisms to Canada to decrease the harm experienced by First Nations children and their families. On December 14, 2015, in anticipation of the Decision, Dr. Blackstock wrote to Ms. Isaak regarding the information needs for the National Advisory Committee (“NAC”) in order to be able to move forward with dispatch in establishing the committee.²⁰²

136. In addition to this, Dr. Blackstock and the Caring Society team prepared a series of accessible and user-friendly information sheets outlining the shortcomings in INAC’s child and family services formulae and presenting possible immediate relief measures that Canada could undertake to lessen the discriminatory impact of its FNCFS Program and fully implement Jordan’s Principle. The recommendations in these information sheets are largely based on reforms presented by the Auditor General of Canada and in joint First Nations/INAC reports on child and family services (and previously agreed to by INAC). These information sheets respectively titled “Action Reforms of Directive 20-1, the Enhanced Prevention Focused Approach, and the 1965 Indian Child Welfare Agreement” were posted on the Caring Society’s website on January 10, 2016. In particular, the information sheets made the following recommendations which are relevant to the motion:

- a) Approve child in care related legal expenses as an eligible expense under the maintenance budget and increase the maintenance budget to cover such costs;
- b) Fund agency building renovations by qualified contractors where facility conditions pose a health and safety hazard;
- c) Approve costs related to the receipt and investigation of child maltreatment reports at actual costs pending further review;
- d) Replace the current operations registered child populations thresholds of 251, 501, 801 and 1000 in the operations formula with the recommended funding increments per every 25 children on reserve as recommended in Wen:de;
- e) Increase the per child amount for prevention from \$100 per child to \$200 per child; and
- f) Immediately update the schedule of the 1965 Indian Welfare Agreement to include the current provisions of child welfare statutes ensuring statutory requirements such as covering the costs of band representatives and prevention services.²⁰³

²⁰¹ Buckland Cross Examination at p 117, lines 20-23.

²⁰² Blackstock Affidavit, Exhibit A: December 14, 2015 Letter to Paula Isaak from Cindy Blackstock.

²⁰³ Blackstock Affidavit, Exhibit B: Caring Society Information Sheets.

137. On January 11, 2016, Dr. Blackstock personally wrote to Minister Bennett to recognize her appointment as Minister of Indigenous and Northern Affairs. In this letter, she urged Minister Bennett to act quickly to reform the FNCFS Program and referred her to the Caring Society's information sheets.²⁰⁴

138. On February 11, 2016, Jonathan Thompson (of the AFN) and Dr. Blackstock met with Ms. Isaak and Ms. Lang to discuss the implementation of immediate relief for First Nations children.

139. Following the February 11, 2016 meeting, Ms. Isaak wrote to Dr. Blackstock on March 1, 2016 regarding the re-establishment of the NAC. On March 2, 2016, Dr. Blackstock responded to this letter stating that immediate relief could be provided prior to recalling the NAC. In particular, she stated that while the Caring Society supports the reconstitution of a national and regional tables to negotiate medium and longer-term reform, its view was that the reconstitution of the national and regional tables was not required in order for immediate relief measures to be put in place. She also added that Canada's procedural considerations and convenience should not shield it from its human rights obligations towards First Nations children.²⁰⁵

140. While Dr. Blackstock was acting in good faith that Canada was interested in collaborating on solutions, INAC officials failed to advise Dr. Blackstock that Canada's financial response to the Tribunal's January 2016 Decision had been pre-determined months before the Tribunal ruled.

141. On March 31, 2016, after having spent more time analyzing the funding for child welfare services in the 2016 Budget (delivered on March 22, 2016), Dr. Blackstock met with Minister Bennett to discuss the importance of implementing immediate relief for First Nations children. Dr. Blackstock expressed her disappointment that the amounts in Budget 2016 were developed without consultation with First Nations. Dr. Blackstock asked how the amounts were calculated and expressed her view that the \$ 71 million was insufficient to address the immediate relief requirements in the Tribunal's Decision and that Budget 2016 contained no new funding for Jordan's Principle, raising significant concerns regarding Canada's implementation of the Tribunal's January 2016 Decision. Dr. Blackstock urged the Minister to review the Caring Society's information sheets to inform improvements to INAC's budget allocations. Dr. Blackstock further urged the Minister to ensure that INAC moved quickly to establish the NAC and Regional tables to address matters relating to medium- and long-term reform.²⁰⁶

142. On May 2, 2016, Dr. Blackstock again met with Minister Bennett, Rick Theis (the Minister's Chief of Staff), INAC Deputy Minister Hélène Laurendeau, Ms. Lang, and Ms. Isaak, and other INAC officials, as well as AFN officials Mr. Thompson and Peter

²⁰⁴ Blackstock Affidavit at para 16 & Exhibit C: January 11, 2016 Letter to Minister Bennett from Cindy Blackstock.

²⁰⁵ Blackstock Affidavit, Exhibit D: March 2, 2016 Letter to Paula Isaak from Cindy Blackstock.

²⁰⁶ Blackstock Affidavit at para 20.

Dinsdale. Dr. Blackstock again reiterated her disappointment with Budget 2016. She again asked federal officials for a detailed calculation of Budget 2016 and the forecasts for future years and a response to her calculations of the shortfall. She did not receive a response. She also presented her own detailed calculations of the shortfall in funding for child welfare based on information available departmental data.²⁰⁷ Dr. Blackstock emphasized that she was not interested in “being right but rather in doing right” by the children and hoped the Department would take the same approach in its response to her concerns regarding Budget 2016 and Canada’s response to the Panel’s orders on Jordan’s Principle.²⁰⁸

143. On September 21, 2016, Dr. Blackstock again met with Minister Bennett, Mr. Theis and another official from the Minister’s office. During this meeting, she expressed concerns with Canada’s failure to comply with the Tribunal’s orders and Canada’s failure to provide FNCFS Agencies with funding for cultural visioning (Touchstones of Hope model). Dr. Blackstock also expressed concern about Canada’s unilateral decision-making and subsequent failure to meaningfully respond to legitimate questions the Caring Society had posed to understand these announcements. Dr. Blackstock also expressed her view that Canada’s unilateral decision-making process on Budget 2016 and Jordan’s Principle was out of step with the government’s commitment to a “Nation to Nation” relationship with First Nations. Dr. Blackstock also noted, with concern, that Canada’s submissions to the Tribunal indicated that INAC officials were relying on existing policies and authorities to delay the implementation of the Tribunal’s orders even though these policies and authorities had been ruled discriminatory.²⁰⁹

F. Criticism of Canada’s failure to comply with the Tribunal’s orders

144. Since the release of the CHRT’s January 2016 Decision, numerous credible organizations have noted Canada’s failure to respect the order and take action to provide immediate relief. For example, in its “Concluding observations regarding Canada” dated March 22, 2016, the UN Committee on Economic, Social and Cultural Rights (“CESCR”) recommended that Canada review and increase its funding to family and child welfare services for Indigenous Peoples living on reserves and fully comply with the Tribunal’s January 2016 Decision. The CESCR also called on Canada to implement the Truth and Reconciliation Commission’s recommendations with regards to Indian Residential Schools.²¹⁰

145. On February 16, 2016, Chief Ron Ignace of the Skeetchestn Indian Band (located in British Columbia) sent a letter to Prime Minister Trudeau in relation to the Truth and Reconciliation Commission’s Calls to Action regarding child welfare and the Tribunal’s January 2016 Decision. The letter urged the Prime Minister, as Minister of Youth, to take

²⁰⁷ Blackstock Affidavit at para 22.

²⁰⁸ Blackstock Affidavit at para 17-22.

²⁰⁹ Blackstock Affidavit at para 23.

²¹⁰ Blackstock Affidavit at para 33 & Exhibit L : CESCR March 23, 2106 Concluding Observations.

a leadership role in ensuring that Canada fully and immediately ends its discriminatory practices towards First Nations children and their families.²¹¹

146. On February 25, 2016, Debbie Pierre, Executive Director of the Office of the Wet'suwet'en First Nation, wrote a letter to Prime Minister Trudeau urging him to take immediate action to reform its First Nations child welfare services. The letter noted that the Wet'suwet'en First Nation has developed an innovative and culturally appropriate wellness conceptual model to design, plan, implement and evaluate all services provided to their children, youth and families, but that none of these initiatives was currently funded by the government.²¹²

147. On October 26, 2016, nine months following the release of the Tribunal's January 2016 Decision, the Legislative Assembly of Manitoba passed a motion condemning Canada for failing to comply with the Tribunal's January 2016 Decision and urging immediate compliance.²¹³ This motion decried Canada's "inaction in equitably funding social services for First Nations people."²¹⁴ Debate on the motion repeatedly referenced Canada's failure to comply with the Canadian Human Rights Tribunal decisions and the impacts such a failure has on children and families. Specifically, The Honourable Member for Fort Rouge, Mr. Wab Kinew, who moved the motion noted:

Again the reason that we are debating this today is because, for the first time in the history of this country, the character of discrimination against First Nations people living on reserve has been brought into stark relief thanks to the decision rendered by the Canadian Human Rights Tribunal." (2409)

Referring to the 5 year roll out of Budget 2016 amounts for First Nations child and family services Mr. Kinew states:

[A]nd really, any reasonable person, when looking at what the federal Liberals announced- this funding that's rolled in-rolled out in stages, going up to 2018, 2019, 2020, 2021. Any reasonable person should ask why should First Nations kids have to wait for equality until after the next federal election? It doesn't make any sense. We should have equality now. We should have had equality a generation ago. And yet we have an opportunity with this tribunal ruling to move forward in a good way.²¹⁵

148. On October 27, 2016, the New Democratic Party introduced an opposition motion to the House of Commons calling on Canada to comply with the Decision. On November

²¹¹ Blackstock Affidavit at para 34 & Exhibit M: February 16, 2016 Letter to Prime Minister Trudeau from Chief Ron Ignace.

²¹² Blackstock Affidavit at para 35 & Exhibit N: February 25, 2016 Letter to Prime Minister Trudeau from Debbie Pierre.

²¹³ Lang Cross Examination, Exhibit 14: House of Commons Motion, dated October 27, 2016.

²¹⁴ Manitoba Legislative Assembly, Debates and Proceedings, Official Report (Hansard), First Session – 41st Legislature at p 2408.

²¹⁵ Manitoba Legislative Assembly, Debates and Proceedings, Official Report (Hansard), First Session – 41st Legislature at p 2409.

1, 2016, the opposition motion passed in the House of Commons unanimously. The motion called on Canada to immediately comply with the Tribunal's January 2016 Decision, properly and fully implement Jordan's Principle, inject \$155 million in new funding for the delivery of child welfare services for First Nations children and families and to stop fighting First Nations families in court who are trying to access government services for their children.

149. Despite a public assertion to the contrary by Minister Bennett during an interview on CBC Radio's "The Current",²¹⁶ Ms. Lang conceded that Canada failed to provide the additional funds pursuant to the motion.²¹⁷ Furthermore, two days after the motion passed in the House of Commons, Canada continued litigation against a First Nations teenager requiring \$8,000 worth of medical treatment so that she can eat and talk without chronic pain.²¹⁸

150. On November 1, 2016, UNICEF Canada made a statement supporting the passage of the House of Commons motion.²¹⁹

151. Following the Auditor General of Canada's 2008 and 2011 audits on First Nations child and family services, on November 29, 2016, the Auditor General of Canada released his Fall 2016 report, which included the following statement:

Another picture that reappears too frequently is the disparity in the treatment of Canada's Indigenous peoples. My predecessor, Sheila Fraser, near the end of her mandate, summed up her impression of 10 years of audits and related recommendations on First Nations issues with the word "unacceptable." Since my arrival, we have continued to audit these issues and to present at least one report per year on areas that have an impact on First Nations, including emergency management and policing services on reserves, access to health services, and most recently, correctional services for Aboriginal offenders. When you add the results of these audits to those we reported on in the past, I can only describe the situation as it exists now as beyond unacceptable.²²⁰

152. On December 6, 2016, the First Nations Leadership Council, composed of the First Nations Summit, the Union of BC Indian Chiefs and the BC Assembly of First Nations wrote an open letter to Minister Bennett urging her to take immediate action to comply with the Decision. The letter further expressed concern that Canada has not established the NAC process.²²¹

²¹⁶ Lang Cross Examination, Exhibit 16: Transcript of CBC interview January 26, 2017.

²¹⁷ Lang Cross Examination at p 298, lines 1-18.

²¹⁸ Blackstock Affidavit at para 40.

²¹⁹ Blackstock Affidavit at para 41.

²²⁰ Blackstock Affidavit at para 42 & Exhibit T :November 29, 2016, Message from the Auditor General.

²²¹ Blackstock Affidavit at para 43 & Exhibit U: December 6, 2016 Letter to Minister Bennett from the First Nations Leadership Council.

153. On December 6, 2016, the Office of the Parliamentary Budget Officer released a report entitled “Federal Spending on Primary and Secondary Education on First Nations Reserves.” The report concluded there are considerable funding shortfalls between INAC funding and funding provided under provincial formulas in the context of First Nations elementary and secondary education.²²²

154. On December 6, 7 and 8, 2016, Dr. Blackstock attended the Special Chiefs Assembly of the Assembly of First Nations. During this time, numerous individuals advised her of their disappointment regarding Canada’s failure to comply with the Decision. Ten individuals provided her with letters expressing their concerns.²²³

155. During the Special Chiefs Assembly, the Chiefs in Assembly unanimously passed a resolution expressing deep concern regarding Canada’s failure to immediately and fully comply with the Decision and the ensuing compliance orders. The resolution called on Canada to immediately comply with any and all orders issued by the Tribunal without reservation and to establish the NAC and Regional Tables.²²⁴

156. On December 9, 2016, Dr. Blackstock was invited to appear before the Inter-American Commission on Human Rights (“IACHR”) in Washington, D.C. on behalf of the Caring Society for a special hearing convened on the human rights situation of Indigenous children in Canada. The focus of her presentation was Canada’s failure to respect the Tribunal’s January 2016 Decision in violation of the United Nations Convention on the Rights of the Child, the United Nations Declaration on the Rights of Indigenous Peoples, the American Convention on the Rights and Duties of the Man, and the American Declaration of the Rights of Indigenous Peoples. The Caring Society’s main requests to the IACHR were to urge Canada to comply with the Decision and for the IACHR to hold a follow-up hearing within one year to determine Canada’s compliance with any observations and recommendations it made. Following the presentation, the IACHR Special Rapporteur on the Rights of the Child of the IACHR, Esmeralda Arosemena de Troitiño, stated that “we need to protect every child, every last boy and girl”.²²⁵

157. On December 13, 2016, Amnesty International Canada (English Branch) and Amnistie internationale Canada (francophone) released their annual Human Rights Assessment of Year One of the current federal government. Although the report noted some positive “promises”, it concluded that the current government’s human rights record was still a work in progress. The assessment expressed serious concern about Canada’s

²²² Blackstock Affidavit at para 44 & Exhibit V: Federal Spending on Primary Education on First Nations Reserves, Report of the Office of the Parliamentary Budget Officer, dated December 6, 2016.

²²³ Blackstock Affidavit at para 45 & Exhibit W: Letters of Concern.

²²⁴ Blackstock Affidavit at para 46 & Exhibit X: Special Chiefs Assembly, Resolution no. 83/2016, December 8, 2016.

²²⁵ Blackstock Affidavit at para 47 & Exhibit Y: Caring Society Hearing Brief to the Inter-American Commission on Human Rights, dated November 29, 2016.

failing to take immediate remedial action as explicitly called for in the Decision. It graded the current government's policy on First Nations child welfare as "non progress".²²⁶

G. Ongoing harm to children

158. In the course of the hearing, the Tribunal heard evidence of the harm caused to First Nations children as a result of Canada's ongoing racial discrimination. The Tribunal accepted this evidence and found that INAC's FNCFS Program negatively impacts First Nations children and their families.²²⁷ In particular, the Tribunal found that Canada's failure to implement Jordan's Principle and inequitable FNCFS Program incentivised the removal of children from their homes.²²⁸

159. The tragic suicide deaths of two 12 year old girls in Wapekeka First Nation in Ontario have shed light on the consequences of Canada's ongoing discrimination against First Nations children and the serious flaws in its approach to Jordan's Principle in particular. While Health Canada and INAC have Jordan's Principle focal points in place, funding requests to address gaps in services continue to be denied or ignored if those who report Jordan's Principle cases do not put the case forward through the focal points.

160. The propensity for those who report Jordan's Principle cases not to report cases via the Jordan's Principle focal points is amplified by Canada's use of a narrow and definition for Jordan's Principle (children with disabilities and short term illnesses). Relevant to Wapekeka First Nation, the definition of Jordan's Principle that Canada has publicized until recently does not mention mental health services.

161. For example, in July 2016 Wapekeka First Nation submitted a funding proposal, which specifically mentioned reports of a suicide pact among young girls in the community, to Health Canada to address gaps in mental health services that have went – and continues to go - unaddressed at the provincial level.²²⁹ Shockingly, even after the death of the two girls in the community, Ms. Buckland, who reports directly to Health Canada's Senior Assistant Deputy Minister on Jordan's Principle,²³⁰ had failed to read the proposal submitted by Wapekeka First Nation until the day of her cross-examination.²³¹ When asked in cross-examination whether the proposal could have been considered a Jordan's Principle case, she stated:

I guess I can -- yes, but I can only answer, I can only answer that to the extent which I have full knowledge of what's in the proposal and I don't. But essentially, if there

²²⁶ Blackstock Affidavit at para 48 & Exhibit Z: Amnesty International Canada, Human Rights Assessment of Year One, dated December 13, 2016.

²²⁷ *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, 2016 CHRT 2 (CanLII) at para 457-458.

²²⁸ *Ibid.*

²²⁹ Kirlew Affidavit at para 15-16.

²³⁰ Buckland Affidavit at para 1.

²³¹ Buckland Cross Examination, line 5 to p 176, line 5.

is a, if there's a gap and it's not being met elsewhere, that's why Jordan's Principle is in place.²³²

162. In the media, a Health Canada official was quoted stating that the proposal was not granted because it was submitted at "awkward time".²³³

163. It is no exaggeration to state that Canada's failure to fully implement Jordan's Principle is having deadly consequences for First Nations children. According to Dr. Kirlew, the suicide deaths of the two girls from Wakepeka could have been prevented with appropriate community based mental health services.²³⁴ Canada has been given over a year to implement Jordan's Principle and it has failed to do so. In light of the tragic and serious consequences of Canada's inaction, the Caring Society submits that the Tribunal must exercise its remedial powers without delay.

164. Marie Wilson, one of the three Commissioners chosen to lead the Truth and Reconciliation Commission of Canada, explained that many of the witnesses she heard from while at the TRC told her that the worst part of their experience relating to Indian Residential Schools was their rupture from their families. She explained:

Going into the hearings, I was braced to hear accounts of sexual abuse. I imagined we would hear that this was the worst thing that happened to children in the school system. But that was not the case. Over and over again we heard that the worst part was the rupture from family and home and everything and everyone familiar and cherished. This rupture was the worst, and the most universal. This was a very important revelation because it underscored a critical issue about the legacy of residential schools: that even though the schools have been closed throughout the country for two decades now, we as a country have never stopped the practice of removing Indigenous children from their homes and communities and placing them in state-sponsored care. We do this in hugely disproportionate numbers compared to the Indigenous percentage in the population, and in larger numbers than in the days of residential schools.²³⁵

165. Based on this experience, Ms Wilson is of the view that, as long as Canada's discriminatory conduct continues, the child welfare system may be considered a continuation of, or a replacement for, the residential school system.²³⁶ Canada failed to file any evidence in reply to Ms Wilson's affidavit and her evidence is therefore uncontroverted, unchallenged and ought to be accepted by the Tribunal.

²³² Buckland Cross Examination at p 174, line 24 to p 175, line 4.

²³³ Kirlew Affidavit at para 16.

²³⁴ Kirlew Affidavit at para 5-6.

²³⁵ Affidavit of Marie Wilson, affirmed on December 18, 2016 at para 6.

²³⁶ *Ibid* at para 6.

PART III – THE LAW

*When a person deliberately fails to obey a court order, he shows disregard for the obligations which he owes to others in his community, disrespect for his community's system of justice which enforces those obligations, and disdain for the fundamental principle that all persons who live in our community do so subject to the rule of law. By disobeying a court order, a person seeks to place himself above and beyond the law of his community. His disobedience also creates conditions of gross inequality, rewarding those who turn their backs on the law, while placing burdens on those who follow the law.*²³⁷

166. On January 26, 2016, the Tribunal found Canada to be discriminating in the provision of the FNCFS Program and in not fully implementing Jordan's Principle, contrary to the *Canadian Human Rights Act* (the "CHRA"). Canada has publicly welcomed the decision and stated that it would not seek judicial review.

167. As the Tribunal noted when it granted NAN's motion for leave to intervene,

The hearing of the merits of the complaint is completed and any further evidence on those issues is now closed. The Panel's role at this stage of the proceedings is to craft an order that addresses the particular circumstances of the case and the findings already made in the *Decision*.²³⁸

168. Canada cannot, at this stage of the proceedings, seek to re-litigate the Tribunal's findings of discrimination. This would in effect place the Complainants in a position where they need to prove their case once again and allow Canada to renege on its promise not to seek judicial review.

169. Since the January 2016 Decision, Canada has made multiple submissions seeking to convince the Tribunal not to issue any binding orders, on the basis that it is making "efforts" to comply with the Tribunal's decisions.

170. Canada bears the burden of demonstrating to the Tribunal that it has complied with the orders for immediate relief made to date. If Canada in fact believes that it has appropriately and fulsomely complied with the January 2016 Decision and the subsequent immediate orders, it must adduce evidence in this regard and satisfy the Tribunal that it has addressed.

²³⁷ *Mercedes-Benz Financial (DCFS Canada Corp.) v. Kovacevic*, 2009 CanLII 9423 (ON SC) at para 5.

²³⁸ *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, 2016 CHRT 11 (CanLII) at para 11.

171. The Caring Society also submits, for the reasons argued below, that it is only where full compliance is demonstrated that this Tribunal might consider refraining from making a binding order under section 53(3) of the CHRA. The mere expression of an intention to comply with the Tribunal's January 2016 Decision and related remedial orders, or general efforts by Canada to improve the FNCFS Program, do not negate the need for binding orders, especially where Canada's intention is vague, qualified or partial.

172. Put shortly, efforts are not enough. A result is required, and where that result is lacking, binding orders must be made to ensure compliance with the CHRA. So long as the discrimination continues (and the Caring Society submits it continues), there is no reason to further delay the making of binding orders.

173. Nothing that has happened during the 13 months detracts from the urgency of making the orders for immediate relief that the Caring Society has been seeking since the close of the hearing on the merits in October 2014. To the contrary, Canada's discriminatory treatment has continued to have tragic and grave consequences on First Nations children and their families.

A. INAC bears the burden of proving compliance with the Tribunal's orders

174. The Supreme Court of Canada has called the human rights system the "final refuge of the disadvantaged and the disenfranchised."²³⁹ As such, courts have held that the standard for a complainant to establish *prima facie* discrimination before a human rights tribunal should not be overly burdensome so as to advance the legislation's objective of providing protection to the most vulnerable members of our society and to promote the overarching goal of eradicating discrimination in Canadian society.²⁴⁰

175. Once a complainant establishes *prima facie* discrimination, the onus shifts to the respondent to justify its conduct or refute the claim. According to the Supreme Court of Canada, this is an "onerous burden, and properly so" as this reinforces the primacy of human rights.²⁴¹ One of the main reasons behind this shifting burden in discrimination is that it would be unfair for complainants, who do not have access to the respondent's information, to bear the onus of demonstrating that the respondent's conduct is justified. As explained by the Supreme Court Canada in *Simpson-Sears*:

²³⁹ *Zurich Insurance Co. v. Ontario (Human Rights Commission)*, 1992 CanLII 67 (SCC), [1992] 2 S.C.R. 321, at p 339.

²⁴⁰ *Ontario Human Rights Commission v Simpson-Sears*, [1985] 2 SCR 536, 1985 CanLII 18 at para 28.

²⁴¹ *McGill University Health Centre (Montreal General Hospital) v. Syndicat des employés de l'Hôpital général de Montréal*, [2007] 1 SCR 161, 2007 SCC 4 (CanLII) at para 52. This standard has been accepted and applied by this panel when it ordered the Respondent to "clearly demonstrate" that it is addressing the findings of discrimination made in the January Decision. *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada (representing the Minister of Indian and Northern Affairs)*, 2016 CHRT 16 (CanLII) at para 9, 39, 40, 41, 48, 49, 80, and 81.

It seems evident to me that in this kind of case the onus should again rest on the [respondent], for it is the [respondent] who will be in possession of the necessary information to show undue hardship, and the [complainant] will rarely, if ever, be in a position to show its absence.²⁴²

176. Just as complainants are rarely in a situation to show the absence of undue hardship, it is equally difficult for a successful complainant to establish that a respondent has failed to take the necessary steps to cease its discriminatory conduct. As has been demonstrated through the immediate relief process in this complaint, and as was the case in *Simpson-Sears*, it is Canada, and not the Complainants or the Interested Parties, who is in possession of the necessary information to show whether the immediate relief ordered by the Tribunal has been provided. As such, the Caring Society submits that Canada bears the burden of proof in this motion.

177. Furthermore, having already established *prima facie* discrimination through a 72-day hearing, the Caring Society submits that it would be unfair to require the Complainants and the Interested Parties to once again establish *prima facie* discrimination. This would, in effect, be akin to requiring the Complainants to re-litigate their case to again prove breaches of the *CHRA*. This would be contrary to the overarching objective of the *CHRA* and the Tribunal's Rules of Procedure, which both aim to ensure informal and expeditious hearings.

178. In the absence of evidence clearly demonstrating that Canada has fully addressed the immediate relief items ordered by the Tribunal, the Tribunal must find that Canada's breaches of the *CHRA* are ongoing. The necessary conclusion flowing from Canada's continuing breaches is that the discrimination identified by the Tribunal in its January 2016 Decision persists, such that further appropriate remedial orders of immediate relief pursuant to section 53(2) of the *CHRA* are required.²⁴³

B. Canada's claims to be "making efforts" insufficient to refute *prima facie* discrimination

179. In an attempt to refute the Complainants' case of continuing *prima facie* discrimination, Canada has tendered evidence to demonstrate that it is "making efforts" to comply with the Tribunal's orders. For example, Ms. Lang states that her affidavit and attached compliance reports aim to detail Canada's "effort to comply with the Tribunal's orders".²⁴⁴ Similarly, when asked in cross-examination about Canada's ongoing failure to fund mental health services in Ontario, Ms. Lang answered:

I think we're making an effort to discuss a range of, a range of issues that are

²⁴² *Ontario Human Rights Commission v Simpson-Sears*, [1985] 2 SCR 536, 1985 CanLII 18 at para 28.

²⁴³ This panel adopted this term in *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada (representing the Minister of Indian and Northern Affairs)*, 2016 CHRT 16 (CanLII) at paras 39, 40, 41, 48, 39, 50, 88.

²⁴⁴ Lang Affidavit at para 3.

coming up. It's going to take time, given different issues that have been raised to be able to move forward on, on the various pieces.²⁴⁵

180. Likewise, Ms. Buckland was cross-examined about the fact that Canada continued to use a narrow definition of Jordan's Principle that excluded children who did not have a disability or an interim critical condition in its internal and external communications, she emphasized that INAC was "trying to focus" its effort and "trying to start somewhere". She explained:

So I think as I said earlier, we were -- it was unfortunate that our communications in the beginning did not -- were not properly prefaced, indicating that Jordan's Principle applies to all First Nations children. This part, as we said in the October 31st compliance report, this, what was articulated in actually both of these presentations is a slight variation on the same thing. We're trying to focus, we're trying to start somewhere and trying to -- where are we likely to find the greatest number of jurisdictional disputes. It could well be on reserve. Where are -- where do we need to do a better job in terms of meeting the needs of kids, it's on reserve.²⁴⁶

181. The intention of Canada's officials to "try" to take steps to comply with the Tribunal's orders is immaterial to determining whether Canada has appropriately addressed all of the items of immediate relief identified by the Tribunal. For nearly thirty years, it has been well established in human rights law that intention is not a necessary element of discrimination. As explained by the Supreme Court of Canada,

It is not a question of whether this discrimination is motivated by a desire to obstruct someone's potential, or whether it is the accidental by-product of innocently motivated practices or systems. If the barrier is affecting certain groups in a disproportionately negative way, it is a signal that the practices that lead to this adverse impact may be discriminatory.²⁴⁷

182. As such, the Caring Society submits that compliance with the Tribunal's orders is a results-based, and not an efforts-based, obligation. Subjective claims of "effort" are not relevant. After all, Canada was ordered to "immediately cease" discriminating, not to make an "effort" towards that end. The proper focus for ascertaining Canada's compliance with the Tribunal's orders must remain on the concrete results of its efforts to alleviate the discrimination faced by First Nations children and their families.

183. What is more, a number of "efforts" cited by Canada, such as the appointment of the MSR or the convening of a youth summit, are not clearly related to compliance with the Tribunal's orders. In the absence of evidence that INAC's staff's efforts to try to comply with the Tribunal's orders have translated into fully addressing all of the immediate relief items identified by the Tribunal, the Caring Society asks this Tribunal to find as a fact that

²⁴⁵ Lang Cross Examination at p 60, lines 10-13.

²⁴⁶ Buckland Cross Examination at p 40, line 22 to p 41, line 8.

²⁴⁷ *Brooks v. Canada Safeway Ltd.*, [1989] 1 SCR 1219, 1989 CanLII 96 (SCC) at p 1234, quoting the Abella Report on Equality in Employment.

Canada has failed to comply with the Tribunal's orders. The Caring Society asks that further orders be made pursuant to 53(2) of the *CHRA* to correct that situation.

C. Canada's unilateral initiatives not aimed at addressing the CHRT's findings of discrimination not relevant to the determination of non-compliance

184. In seeking to relieve itself of its onus to demonstrate that it has clearly addressed all of the immediate relief items identified by the Tribunal, Canada has tendered evidence of various unilateral initiatives linked to child welfare that it has commenced in the past year. For example, Ms. Lang described in her affidavit a "national engagement process" which includes a Youth Summit with children who have been in care and the appointment of the MSR.²⁴⁸ Ms. Lang conceded under cross-examinations that this "engagement process" was not a part of immediate relief ordered by the Tribunal.²⁴⁹ She also conceded that the MSR and the Youth Summit were actions taken unilaterally and that INAC has faced criticism from First Nations groups, including the Chiefs in Assembly of the AFN.²⁵⁰

185. Even the measures that Canada claims are aimed at providing immediate relief do not address the Tribunal's areas of concern in a comprehensive manner. For example, INAC's October 28, 2016 letter seeking to collect data from FNCFS agencies regarding their actual needs and circumstances did not include all of the areas of immediate relief identified by the Tribunal.²⁵¹ Likewise, INAC's letter of October 24, 2016 to regional offices offers to provide *ad hoc* temporary relief on a "case-by-case" basis to FNCFS Agencies facing financial pressures relating only to legal fees and building repairs, but no other circumstances.²⁵²

186. The MSR, the Youth Summit with former children in care, and other unilateral INAC initiatives are not relevant to the Tribunal's determination of whether Canada has appropriately addressed the items of immediate relief as identified by the Tribunal.

187. The focus of this motion in particular is whether Canada has clearly addressed all of the immediate relief items ordered by the Tribunal. As such, Canada's evidence relating to its various unilateral initiatives relating to the FNCFS Program is not relevant to the Panel's determination of whether Canada's discrimination is ongoing or whether immediate relief has been provided to First Nations children and their families.

D. Compliance with legal binding orders seeking to cease discrimination cannot be accomplished through ad hoc and arbitrary measures

188. In an effort to demonstrate that it is complying with the Tribunal's orders, Canada has referred to a number of *ad hoc* initiatives. For instance, Canada pointed to an email

²⁴⁸ Lang Affidavit at para 14-19, 32.

²⁴⁹ Lang Cross Examination at p 228, lines 9-13; at p 248, lines 4-9; at p 251, lines 20-24.

²⁵⁰ Lang Cross Examination at p 228, lines 9-13; at p 248, lines 4-9; at p 251, lines 20-24.

²⁵¹ Lang Cross Examination at p 328 lines 12 to p 332 line 17.

²⁵² Lang Affidavit, Exhibit 2: October Compliance Report, Annex B.

INAC headquarters sent to its regional offices days before its October 31, 2016 compliance report to the Tribunal, stating that it will consider requests for funding for building repairs and legal fees on a case-by-case basis. No mechanism was put in place to ensure that this information was systematically passed on to FNCFS Agencies and Canada has tendered no evidence to demonstrate that any FNCFS Agencies actually received funding for building repairs or legal costs through this mechanism.²⁵³

189. Essentially, Canada's approach to addressing building repairs and legal fees is akin to a charity-based model of funding. FNCFS Agencies are expected to beg for the funding that they desperately need and Canada will "consider" these requests on a case-by-case basis. Charity is not equality and the charity model of funding has long been recognised as incompatible with substantive equality and human rights principles as it reinforces power imbalance and vulnerability and exacerbates the effects of discrimination.²⁵⁴

190. Canada's *ad hoc* measures are wholly inadequate. Compliance with a legally binding decision relating to quasi-constitutional rights cannot depend on *ad hoc*, discretionary and unpredictable band-aid solutions based on arbitrary and unclear criteria. This is particularly true where the Complainants proved widespread, systemic discrimination against 163,000 First Nations children, and their families. Such conclusions require systemic remedies.

191. This Panel recognised First Nations children as rights bearers, worthy of equal opportunity in accordance with the *CHRA*.²⁵⁵ This finding was not challenged by Canada. Remedying discrimination against these children to "have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have"²⁵⁶ must be done in a manner that is consistent with the core human rights values such as participation and empowerment.²⁵⁷ It is only through the imposition of transparent, effective, and comprehensive remedial orders that such a goal will be achieved. Indeed, Canada has demonstrated that it cannot be left to decide alone how to redress the ongoing discrimination facing First Nations children and their families.

²⁵³ Lang Cross Examination at p 151, lines 9-25; at p 152, lines 1-19.

²⁵⁴ J Kirkemann Boesen & Martin, T., "Applying a Rights-Based Approach : An inspiration guide for civil society." The Danish Institute for Human Rights, 2007.

²⁵⁵ *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, 2016 CHRT 2 (CanLII) at para 1 and 3. As stated by Esmeralda Arosemena de Troitiño, Special Rapporteur on the Rights of the Child of the Inter-American Human Rights Commission during the hearing on Canada's discriminatory treatment of First Nations children on December 9, 2016: "children are subjects of rights". Available online at <<https://www.youtube.com/watch?v=fs1KygVerl8>>.

²⁵⁶ *CHRA*, s 2.

²⁵⁷ See *Law v. Canada (Minister of Employment and Immigration)*, [1999] 1 SCR 497, 1999 CanLII 675 (SCC) at para 53 quoted in various decisions of human rights tribunals and courts including *Eagleson Co-Operative Homes Inc. v. Théberge*, 2006 CanLII 29987 (ON SCDC), *Arzem v. Ontario (Community and Social Services)*, 2006 HRT0 17 (CanLII) and *Condon v. Prince Edward Island*, 2002 PESCTD 41 (CanLII).

PART IV – RELIEF SOUGHT

*It was said long ago in a celebrated case, that if a man has a right, he must have a means to vindicate and maintain it, and a remedy if he is aggrieved in the exercise and enjoyment of it . . . for want of right and want of remedy are reciprocal.*²⁵⁸

A. Canada has failed to clearly demonstrate that immediate relief has been provided

192. In its face, Budget 2016 fails to provide the relief necessary to remedy the discrimination identified by the Tribunal. The funding announced in Budget 2016 (\$71 million for 2016-2017 and \$99 million in 2017-2018) falls short of the investment the evidence before the Tribunal suggests is necessary to provide immediate relief, particularly when one considers that the amount in question is greater in 2016 dollars, due to inflation. In the 2012 Way Forward presentation (CHRC Tab 248), INAC recognized that \$108.13 million (in 2012 dollars) would be required to implement EPFA (which the Tribunal found to be discriminatory) in all jurisdictions, with full support for all aspects of child welfare including intake, early intervention, and allowing for a developmental phase.

193. More specifically, Canada has failed to “clearly demonstrate” that it has implemented the Tribunal’s orders of immediate relief, particularly with regard to the following issues:

i. Building repairs

194. Canada has tendered no evidence to establish that it has provided any immediate relief to FNCFS Agencies for building repairs. Rather, Canada states that it “will pursue discussions on the broader issues of infrastructure related to FNCFS as part of future long-term reform efforts”.²⁵⁹ No timeline is provided for these broader discussions and it is unclear when, if ever, funding for much-needed building repairs will be provided to FNCFS Agencies in a consistent and predictable manner.

195. While INAC pursues these discussions on broader issues, Canada has stated that it will “consider requests related to minor capital expenditures [...] on a case-by-case basis.”²⁶⁰ However, Canada has failed to produce any evidence to establish that this information has actually been passed on to FNCFS agencies.²⁶¹ It is unknown what the criteria will be to make these case-by-case assessments.²⁶² It is also unknown whether any

²⁵⁸ *Ex p. Renaud et al.* (1873), 14 N.B.R. 273 at p 277, by Ritchie C.J.N.B, quoted in *Exploits-White Bay Roman Catholic School Board v. Newfoundland Teachers' Association*, 1982 CanLII 2960 (NL SCTD)

²⁵⁹ May Compliance Report at p 7.

²⁶⁰ Lang Affidavit, Exhibit 2: October Compliance Report, Annex B.

²⁶¹ Lang Cross Examination at p 153, lines 12-15.

²⁶² Lang Cross Examination at p 154, lines 2-13.

FNCFS Agencies have sought funding for building repairs through this process, or whether any funding has flowed to any FNCFS Agencies for building repairs since INAC's October 24, 2016 email. Moreover, Canada has produced no evidence in response to Dr. Loxley's expert opinion that its approach will likely not resolve this issue of building repairs.²⁶³

196. Canada has failed to "clearly demonstrate" that it has addressed the discriminatory aspects of its failure to fund building repairs. The Caring Society respectfully requests that the Tribunal make a finding of non-compliance with regards to this item of immediate relief, and order Canada to remedy this issue at the earliest possible time, and to confirm in writing once this has been done.

ii. Legal fees

197. Similarly, Canada has failed to demonstrate that its current approach to the funding of legal fees is related to the actual needs of FNCFS Agencies or is reasonably comparable to those provided off reserve. While INAC is currently providing FNCFS agencies from \$20,000 to \$50,000 for legal fees, depending on the Province in which the FNCFS Agency is located, as noted earlier in this submission, this variance does not appear to be linked to provincial legal aid rates (bearing in mind that legal aid rates are a questionable metric of comparability, given that legal aid funds counsel for parents whose children have been apprehended, and not counsel for the children's aid society that has apprehended the child).²⁶⁴

198. In fact, given that Canada's approach provides for an FNCFS Agency's legal budget solely based on the criterion of the province in which the FNCFS Agency is located, it is not possible for Canada to argue that the FNCFS Agency's needs have been taken into account in this regard. This results in a wide variance in legal budgets available to FNCFS Agencies across Canada:

- a. New Brunswick: \$50,000 per year;
- b. Saskatchewan: \$40,000 per year;
- c. Yukon Territory: \$40,000 per year;
- d. Alberta: \$33,500 per year;
- e. British Columbia: \$30,000 per year;
- f. Newfoundland and Labrador: \$30,000 per year;
- g. Prince Edward Island: \$25,000 per year;
- h. Quebec: \$20,000 per year; and
- i. Nova Scotia: \$10,000 per year.²⁶⁵

²⁶³ Loxley Affidavit, Exhibit A: Loxley Report at p 1.

²⁶⁴ Lang Affidavit, Exhibit 1: September Compliance Report, Annex C. For example, agencies in Alberta have been allocated \$ 33,500 for legal fees and agencies in Saskatchewan has been allocated \$ 40,000. Yet, as noted by the respondent in its March 10, 2016 submissions at p 6, the Alberta legal aid rate is \$125 per hour while the hourly rate in Saskatchewan is \$88 per hour. The respondent does not provide an explanation as to why less funds are allocated to Alberta agencies in comparison to Saskatchewan for legal fees when the standard legal aid rate is 30% higher in that province.

²⁶⁵ Lang Affidavit, Exhibit 1: September Compliance Report, Annex C.

199. This approach leads to the counterintuitive result in which an FNCFS Agency like New Brunswick's St. John River FNCFS Agency, which is funded on the basis of having 75 children in care (based on the assumption of 6% children in care), receives more than double the funding of Quebec's Uashat/Malietenam FNCFS Agency, which is funded on the basis of having 88 children in care (based on 2013/14 actuals).

200. As a further example, New Brunswick's St. John River FNCFS Agency receives \$10,000 per year more in legal funding than Saskatchewan's Meadow Lake Tribal Council FNCFS Agency, despite the fact that Saskatchewan's Meadow Lake Tribal Council is funded on the basis of having 174 children in care (based on the assumption of 6% children in care), almost 100 more children than the St. John River FNCFS Agency.²⁶⁶

201. Of course, it must be remembered that the number of children in care is not always a reliable indicator of an FNCFS Agency's court docket, as there may be court orders short of apprehensions (such as supervision orders or kinship placements) that still require an FNCFS Agency's legal counsel to do work.

202. Considering Canada's legal budget figures on their face, it is also highly improbably that the budgets provided are comparable to those afforded to provincial child and family service agencies.

203. For instance, even the most generous of the legal budgets provided by Canada (New Brunswick at \$50,000 per year) would not be sufficient to allow an FNCFS Agency to hire in-house counsel. Assuming a reasonably experienced external lawyer working at a reasonably hourly rate of \$140/hour (the Government of Canada external counsel rate applicable to lawyers of 5-6 years' experience),²⁶⁷ Alberta's Saddle Lake First Nation Wah-Koh-To-Win FNCFS Agency, which has 107 children in care (based on 2014/15 actuals), would be able to afford 2.1 hours per child in care based on its annual budget of \$33,500 (excluding GST, and bearing in mind that the number of children in care is an incomplete metric of an FNCFS Agency's caseload). It is not credible that any provincial or territorial child and family services agency would accord so few hours per case.

204. For a complete analysis of the legal budgets provided per agency, and the number of legal hours that could be worked by outside counsel of 5-6 years' experience at \$140/hour (excluding GST), and the resulting number of hours per child in care, please see the attached Table 1.

205. Canada also did not provide any evidence in response to Dr. Loxley's expert evidence that its approach to funding legal fees will "not likely" resolve the technical/professional issue revolving around the necessary number of hours for legal fees.

206. The Caring Society submits that the Respondent has failed to "clearly demonstrate" that it has addressed the discriminatory aspects of its funding of legal fees. It respectfully

²⁶⁶ Lang Affidavit, Exhibit 1: September Compliance Report, Annex C.

²⁶⁷ Caring Society's February 18, 2016 submissions regarding Immediate Relief at Schedule "C".

requests that the Tribunal make a finding of non-compliance with regards to this item of immediate relief.

207. Given Dr. Loxley's uncontested opinion that the matter of legal fees "is really a technical/professional issue revolving around the necessary number of hours for different types of legal work and the appropriate fee per hour",²⁶⁸ the Caring Society submits that the Tribunal should order Canada to remedy this issue by reimbursing the actual number of hours spent by FNCFS Agency legal counsel on cases at the hourly rate payable according to the Government of Canada's system of hourly rates for outside counsel.

iii. Child service purchase amount

208. In response to the Tribunal's orders, INAC has increased the child service purchase amount from \$100 to \$175 per child. This represents an increase of 75% to the per child amount. However, as explained by Dr. Loxley, there has been an increase of 72% in the cost of living since 1989, when the per child amount was last adjusted. As such, there has been almost no increase in the real value of the child service purchase amount.²⁶⁹

209. Canada has produced no evidence to demonstrate whether this amount is linked to the actual needs of FNCFS Agencies or is reasonably comparable to what is elsewhere across the country. It is unclear what, if any, criteria or factors were considered to determine the new child service purchase amount. Canada has produced no evidence in response to Dr. Loxley's expert opinion that this "seems to be an arbitrary increase" and that it will likely not resolve the issue.

210. Canada has stated that it will "review the information provided by FNCFS agencies in response to its October 28, 2016 letter, and continue national and regional discussions, to define a child service purchase amount based on need".²⁷⁰ No timeline is provided for this "review" and it is unclear when a new child service purchase amount will be established or the criteria that will be used to make this determination. There is no mechanism for FNCFS Agencies to seek additional funding from INAC should they experience financial pressures due to the expenses in excess of the funding provided by the child service purchase amount.

211. Given that Canada has failed to "clearly demonstrate" that it has addressed the discriminatory aspects of its funding of child service purchase amount, Canada should be ordered to increase the child service purchase amount to \$200 per child. This amount, which has been proposed on numerous occasions by the Caring Society, will provide extra purchasing power to FNCFS Agencies, over and above accounting for inflation since 1989, in order to redress the serious deficiencies caused by over two decades of discrimination by Canada. A further adjustment can be considered by the NAC as part of the medium- to long-term reform process.

²⁶⁸ Loxley Affidavit, Exhibit A: Loxley Report at p 9.

²⁶⁹ Loxley Affidavit, Exhibit A: Loxley Report at p 10.

²⁷⁰ October Compliance report at p 8.

212. Accordingly, the Caring Society respectfully requests that the Tribunal make a finding of non-compliance with regards to this item of immediate relief and order Canada to increase the child service purchase amount to \$200 per child within 30 days of the Tribunal's ruling.

iv. Intake and investigations

213. In response to the Caring Society's argument that INAC has not clearly demonstrated that it has complied with the Tribunal's orders with respect to intake and investigations, Canada states that it added only a single budget line for intake and investigations in all regions other than Alberta because this is "not generally a requirement under provincial standards".

214. Canada does not provide any evidence in support of this claim, on which it has based its funding levels for investigation reports. It does not provide any evidence to demonstrate how it has calculated the amounts attributed in the single line item for intake and investigations. Most surprisingly, there are no clear budget lines for intake and investigations for FNCFS agencies in Nova Scotia, Quebec, Prince Edward Island and Saskatchewan. The Respondent does not explain how or whether funding is allocated for intake and investigations in these regions.

215. The Caring Society submits that INAC's submissions relating to intake and investigation reveal a grave misunderstanding of the role of FNCFS Agencies. It is patently false that intake and investigation are not required in most regions. Whether or not provincial legislation requires these functions, intake and investigation are core functions of child welfare agencies and are essential to prevention services aimed at keeping children safely in their homes.²⁷¹ In fact, Canada's own witness (Ms. D'Amico) acknowledged during the hearing on the merits that "FNCFS Agencies are doing more intake and investigations as part of their prevention strategies" and that "EPFA does not include funds for intake and investigation."²⁷²

216. In the case of certain categories of delegated agencies, Canada submits that these "delegated Aboriginal agencies do not provide protection services, therefore, a line item for intake and investigation was not added."²⁷³ Canada's refusal to provide funding for intake and assessments perpetuates the very discriminatory conduct identified by the Tribunal and reinforces existing incentives to remove children from their home. There is no foundation in human rights law to support the contention that a respondent who has been found to be in breach of its human rights obligations can refrain from providing a service on the basis that the service was denied for discriminatory reasons in the past, or by another service provider. This circular reasoning would result in discrimination continuing to occur indefinitely. Given that intake and investigations are essential to prevention, Canada's funding policy ought to aim to enable FNCFS Agencies to conduct

²⁷¹ *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, 2016 CHRT 2 (CanLII) at para 145.

²⁷² *Ibid* at para 145.

²⁷³ Lang Affidavit, Exhibit 2: October Compliance Report at p 8.

this core function in order to develop and implement culturally appropriate strategies that will help keep their children in the home.

217. Canada's approach to funding of intake and investigation is based on flawed assumptions regarding the functions of FNCFS Agencies and the actual needs of children and families. Moreover, INAC has failed to produce any evidence in response to Dr. Loxley's expert opinion that its approach to determining the appropriate funding levels for receipt, assessment and investigation of child protection report is "questionable". In light of this, Canada has failed to "clearly demonstrate" that it has addressed the discriminatory aspects of its funding of intake and investigations. The Caring Society respectfully requests that the Tribunal make a finding of non-compliance with regards to this item of immediate relief and order Respondent to remedy this issue on the first reasonable occasion.

v. Small agencies

218. With regard to small agencies, Canada stated that it has taken "some initial steps".²⁷⁴ In particular, INAC has set a child population of 300 as the lowest threshold for scaling. INAC indicates that a child population count of 300 persons was selected as the new threshold. This new threshold is not based on the actual needs of agencies or the financial pressures they face. Rather, the new threshold was chosen because it is "the next level up from the 250 ordered by the Tribunal in INAC's current scale."²⁷⁵

219. The Respondent provided no evidence in response to Dr. Loxley's expert opinion that its current funding remains inadequate for small agencies and relating to large step increases of funding for relatively small increases in child population. Likewise, it has failed to produce any evidence demonstrating that its funding formula for small agencies is linked to its their actual needs.

220. The Caring Society submits that the Respondent has failed to "clearly demonstrate" that it has addressed the discriminatory aspects of its funding of for small agencies. It respectfully requests that the Tribunal make a finding of non-compliance with regards to this item of immediate relief and order Respondent to remedy this issue on the first reasonable occasion.

vi. Jordan's Principle

1. Canada's definition of Jordan's Principle does not comply with the Tribunal's orders

221. In its April 2016 Decision on remedy, the Tribunal clearly ordered that Jordan's Principle be applied by Canada to include to all First Nations children and all jurisdictional disputes. The Tribunal's definition of Jordan's Principle is not limited to a type of service in particular. Furthermore, in its September 2016 Decision, the Tribunal emphasized that all children meant children residing on- and off-reserve.

²⁷⁴ Lang Cross Examination at p 90, line 13 to p 91, line 6.

²⁷⁵ Lang Affidavit, Exhibit 2: October Compliance Report at p 4.

222. The Caring Society submits that Canada has patently failed to “clearly demonstrate” that it has complied with this item of immediate relief. Indeed, Canada’s own documents reveal various narrow definitions contrary to the Tribunal’s orders:

- a. First Nations children living on reserve with a disability or a short-term condition;²⁷⁶
- b. First Nations children living on-reserve with a disability or a short-term condition requiring health or social services [emphasis added];²⁷⁷
- c. First Nations children with a disability or a critical short-term health or social service need living on reserve, or who ordinarily reside on reserve [emphasis added];²⁷⁸
- d. First Nation child with a disability or a discrete condition that requires services or supports that cannot be addressed within existing authorities [emphasis added];²⁷⁹
- e. First Nation children living on reserve with an ongoing disability affecting their activities of daily living, as well as those who have a short term issue for which there is a critical need for health or social supports [emphasis added];²⁸⁰
- f. First Nations children living on reserve and in the Yukon who have a disability or an interim critical condition affecting their activities of daily living have access to health and social services comparable to children living off reserve [emphasis added];²⁸¹

²⁷⁶ Lang Affidavit, Exhibit 2: October Compliance Report at Annex I: Fact Sheet: Jordan’s Principle – Addressing the Needs of First Nations Children.

²⁷⁷ Canada’s July 6, 2016 further reply submissions regarding immediate relief at para 36. Lang Affidavit, Exhibit 2: October Compliance Report at p 6-7. Buckland Affidavit, Exhibit G: Letter from Minister Philpott to Dr Cindy Blackstock, dated December 22, 2016.

²⁷⁸ Lang Affidavit, Exhibit 2: October Compliance Report at p 6.

²⁷⁹ Lang Affidavit, Exhibit 2: October Compliance Report at Annex I: Atlantic First Nations Health Partnership, Public Health and Primary Care Committee Update (July 5-6, 2016).

²⁸⁰ Lang Affidavit, Exhibit 2: October Compliance Report at Annex I: Letter dated August 4, 2016 from Debra Keays-White (Regional Executive Officer, FNIHB Atlantic Region) to Atlantic First Nations Chiefs; Letter dated July 7, 2016 from Jocelyn Andrews (Regional Executive Officer, FNIHB Alberta Region) to Chiefs of Alberta; Letter dated August 8, 2016 from Shawn Grono (Director of Nursing, FNIHB Alberta Region) to All FNIHB and Band Employed Nurse; Health Canada Information Sheet for Nursing Staff re Jordan’s Principle (undated).

²⁸¹ Lang Affidavit, Exhibit 2: October Compliance Report at Annex I: Presentation dated August 29, 2016 delivered by FNIHB Atlantic Region to the Health Committee of the Mi’kmaq-Nova Scotia-Canada Tripartite Forum at slide 5; Presentation dated September 2016 delivered by FNIHB Atlantic Region to the Public Health and Primary Care Committee, Non-Insured Health Benefits Committee, and the Atlantic First Nations Health Partnership at slide 5; Presentation dated September 2016 delivered by Health Canada to the First Nations of Quebec and Labrador Health Directors’ Network at Slide 4.

- g. First Nations children with a disability or interim critical condition living on reserve have access to needed health and social services within the normative standard of care in their province/territory of residence.²⁸²

223. Moreover, under cross-examination, INAC's witness stated that Canada's definition of Jordan's Principle is also limited to children as defined by provincial legislation.²⁸³ Accordingly, Jordan's Principle applies until the age of 19 in British Columbia, Nova Scotia, New Brunswick, Newfoundland and Labrador, the Northwest Territories, Yukon, and Nunavut,²⁸⁴ and until the age of 18 in Alberta, Saskatchewan, Manitoba, Ontario, Quebec, and Prince Edward Island.²⁸⁵

224. However, Saskatchewan, Nova Scotia, and Newfoundland and Labrador all define a child as under the age of 16.²⁸⁶ Accordingly, in the child and family services context, there is a risk that Canada will only apply Jordan's Principle until the age of 16 in these jurisdictions. Such an approach would be unacceptable, and would constitute further discrimination under the *CHRA*. Jordan's Principle is not restricted to services provided under a province's child and family services legislation. It applies to all services provided to all children, including those aged 16 and 17.

225. The Caring Society also notes, with concern, that Canada has failed to take any formal measures to ensure that all staff are aware of the Tribunal's Decisions regarding Jordan's Principle, understand those decisions, and have the tools and resources to implement those decisions. Notably, a senior regional staff member from Ontario noted

²⁸² Lang Affidavit, Exhibit 2: October Compliance Report at Annex I : Presentation dated September 15, 2016 delivered by FNIHB Atlantic Region to the Non-insured Health Benefits Committee at slide 4; Presentation dated September 21-22, 2016 delivered by FNIHB Atlantic Region to the Public Health and Primary Care Committee, the Non-insured Health Benefits Committee, and the Atlantic First Nations Health Partnership at slide 4; Presentation dated September 28, 2016 delivered by the Co-Chairs of the Atlantic First Nations Health Partnership to the All Chiefs and Councils Assembly of the Atlantic Policy Congress of First Nations Chiefs Secretariat at Slide 4; Presentation dated October 6, 2016 delivered by FNIHB Atlantic Region to the Innu Round Table at slide 4; Presentation dated October 12, 2016 delivered by FNIHB Atlantic Region to the Mi'kmaq-Prince Edward Island-Canada Health Policy and Planning Forum and the Child and Family Services Policy and Planning Forum at slide 4; Presentation dated September 7, 2016 delivered by Health Canada to unspecified audience at slide 3; Presentation dated September 15, 2016 delivered by Health Canada to unspecified audience at slide 3.

²⁸³ Buckland Cross Examination at p 264, lines 8-12. A "child" is defined as a person 16 years old or younger in the *Child and Family Services Act*, RSO 1990, c C.11, section 4(1) and 65(60).

²⁸⁴ *Age of Majority Act*, RSBC 1996, c 7, s 1(a); *Age of Majority Act*, RSNS 1989, c 4, s 2(1); *Age of Majority Act*, RSNB 2011, c 103, s 1; *Age of Majority Act*, SNL 1995, c A-4.2, s 2; *Age of Majority Act*, RSNWT 1988, c A-2, s 2; *Age of Majority Act*, RSY 2002, c 2, s 1(1); and *Age of Majority Act*, RSNWT (Nu) 1988, c A-2, s 2.

²⁸⁵ *Age of Majority Act*, RSA 2000, c A-6, s 1; *Age of Majority Act*, RSS 1978, c A-6, s 2(1); *The Age of Majority Act*, CCSM, c A7, s 1; *Age of Majority and Accountability Act*, RSO 1990, c A.7, s 1; *Civil Code of Quebec*, CCQ-1991, Article 153; and *Age of Majority Act*, RSPEI 1988, c A-8, s 1.

²⁸⁶ *The Child and Family Services Act*, RSS 1989-90, c C-7.2, s 2(1)(d); *Children and Family Services Act*, SNS 1990, c 5, s 3(1)(e); and *Children and Youth Care and Protection Act*, SNL 2010, c C-12.2, s 2(1)(c).

that she had developed her understanding of Jordan's Principle based largely on media reports and, more recently, on discussions with other Health Canada staff.²⁸⁷

226. Canada has failed to provide convincing evidence to demonstrate that it has taken measures to eliminate the above noted restrictions in Jordan's Principle or informed its staff and stakeholders that it has broadened its definition. In fact, even after the filing of its latest compliance report and after receiving the Caring Society's motion on Jordan's Principle, Canada has continued to rely on its narrow definition. By way of example, on February 3, 2017, Jocelyn Andrews, Regional Executive Office at the First Nations and Inuit Health Branch (Alberta Region) wrote to the Chiefs of First Nations in Alberta to advise them that the First Nations Consortium was selected to develop and operationalize service-coordination that will serve all First Nations children on and off reserves in Alberta. In the letter, Ms. Andrews wrote:

During [the] transition, please continue to engage the Jordan's Principle focal points should you become aware of any First Nations children with disabilities or short term critical conditions that have unmet needs. (emphasis added)²⁸⁸

227. Similarly, Canada's website referred to a narrow definition of Jordan's Principle which restricts its application to social and health services and children with disabilities and short-term critical conditions as recently as February 8, 2017.²⁸⁹ In light of the foregoing, the Caring Society requests that the Tribunal find that Canada has failed to respect the orders made in the Tribunal's January 2016, April 2016, and September 2016 Decisions by continuing to fail to implement the full scope of Jordan's Principle.

2. Some are not more equal than others

228. The Caring Society acknowledges that the stated goal of Canada's "Child-First Initiative" appears to shift the focus off of the resolution of disputes in order to take a more proactive approach, which focuses on identifying needs for services before a dispute arises. This is logical – Jordan's Principle addresses a systemic problem, and as such requires systemic solutions. However, Canada's proactive measures with respect to the Child-First Initiative does not absolve it of its obligation to comply with the Tribunal's orders requiring it to ensure that certain First Nations children do not continue to experience discrimination as a result of a narrow definition of Jordan's Principle.

229. It is also not open to Canada to legitimize narrowing Jordan's Principle, and thus the pool of children that Canada is obligated to relieve from its discriminatory conduct, to a sub-group of children. Indeed, the Tribunal will recall that in Canada's defence of the Complaint on the merits, Canada relied on this same strategy to legitimize its discriminatory definition and approach to Jordan's Principle. Specifically, Canada

²⁸⁷ Cranton Cross Examination at p 79 line 4 to p 80 line 1 and at p 104 line 8 to p 106 line 5.

²⁸⁸ Buckland Cross Examination, Exhibit 11: Letter from J. Andrews to the Chiefs of First Nations in Alberta, dated February 3, 2017.

²⁸⁹ Lang Cross Examination, Exhibit 8: Excerpt from Health Canada's website dated February 8, 2017; Lang Cross Examination at p 149, line 10 to p 150, line 10.

tendered a 2011 Health Canada presentation that purported to justify the limitation of Jordan's Principle to children with multiple disabilities experiencing conflicts between the federal and provincial governments in the following terms:

This slide presents an overview of the federal response to Jordan's Principle. We acknowledge that there are differing views regarding Jordan's Principle. The federal response endeavors to ensure that the needs of the most vulnerable children at risk of having services disrupted as a result of jurisdictional disputes are met.

[...]

The Government of Canada's focus is on children with multiple disabilities requiring services from multiple service providers whose quality of life will be negatively impacted by jurisdictional disputes. These are children who are the most vulnerable – children like Jordan.²⁹⁰

230. While Canada's new approach to Jordan's Principle has an ameliorative purpose, for some children and in some circumstances, its scope and the process it imposes does not clearly address all First Nations children with service needs.

231. First Nations children, like other children in Canada, are entitled to non-discriminatory access to public services. Accordingly, Canada must not be permitted to justify its limitation of Jordan's Principle to a subset of First Nations children based on their greater vulnerability. The *CHRA* requires Canada to address the needs of all members of the disadvantaged group (First Nations children), not only those who are most disadvantaged. Canada must now fully comply with the Tribunal's orders. Canada is not entitled, at this stage of the proceedings, to raise defences or justifications for what amounts to partial compliance.

232. It also bears noting that Jordan's Principle is designed to ensure that First Nations children can access all government services available to other Canadian children without discrimination. By definition, a child to whom Jordan's Principle applies will be disadvantaged, given that they will have experienced a service or bureaucratic procedural obstacle due to their First Nations status. Canada will perpetuate this disadvantage if it fails to ensure that such children are included in the scope of its new approach to Jordan's Principle. This is discriminatory, contrary to section 5 of the *CHRA*. Canada cannot replace one discriminatory approach to Jordan's Principle (as found by the Tribunal in its January 26, 2016 decision) with another.

233. In light of the foregoing, the Caring Society requests that the Tribunal make a finding that Canada has failed to respect its Orders in 2016 CHRT 2, 2016 CHRT 10, and

²⁹⁰ Attorney General of Canada's Book of Documents, Tab 39, Health Canada PowerPoint Presentation printed with notes, titled "Update on Jordan's Principle: The Federal Government Response" and dated June 2011 at p 6. Cross-Examination of Corinne Baggeley by Mr. Poulin, May 1, 2014 (Vol 58) at p 18, line 19 to p 19, line 20.

2016 CHRT 16 in adopting a definition of Jordan's Principle in the context of the Child First Initiative announced on July 5, 2016.

3. Canada's emphasis on the normative standard of care in a First Nations child's province of residence risks undermining substantive equality required

234. In a number of the presentations included at Annex "I" to Canada's October 31, 2016 compliance report, the stated goal of Canada's "Child-First Initiative" is described as being to "ensure that children living on reserve [...] have equitable access to health and social services comparable to children living off reserve."²⁹¹ There are also numerous references in these presentations to the Child First Initiative providing access to services within the normative standard of care in the province/territory of residence.

235. As the Tribunal recognized in its January 26, 2016 decision, provincial comparability is an inadequate measure when designing programs and initiatives to provide substantive equality to First Nations children. The Tribunal recognized that "the actual service needs of First Nations children and families [...] are often higher than those off reserve."²⁹²

236. In light of this recognition, the Tribunal found that "human rights principles, both domestically and internationally, require AANDC to consider the distinct needs and circumstances of First Nations children and families living on-reserve – including their cultural, historical and geographical needs and circumstances – in order to ensure equality".²⁹³ Similarly, Jordan's Principle requires an outcome-based, and not process-based, approach to access to services.

4. Delays in processing amount to discrimination

237. In its April 2016 Decision, the Tribunal ordered that "[p]ursuant to the purpose and intent of Jordan's Principle, the government organization that is first contacted should pay for the service without the need for policy review or case conferencing before funding is provided."²⁹⁴

238. Despite the clarity of this order, the "Service Access Resolution" function outlined in the presentations attached to Annex I of Canada's October 31, 2016 compliance report and described by Ms. Buckland during her cross-examination appears to continue to impose delays on First Nations children. Indeed, the "Service Access Resolution" function appears to be a multi-step process that decision-makers must go through in order to accord funding for a service from the "Reserve Fund", which is preceded by a "service navigation"

²⁹¹ See for instance: Lang Affidavit, Exhibit 2: October Compliance Report at Annex I: Presentation dated August 29, 2016 delivered by FNIHB Atlantic Region to the Health Committee of the Mi'kmaq-Nova Scotia-Canada Tripartite Forum at slide 6.

²⁹² *FNCFCSC et al v AGC*, 2016 CHRT 2 at para 388.

²⁹³ *FNCFCSC et al v AGC*, 2016 CHRT 2 at para 465.

²⁹⁴ *FNCFCSC et al v AGC*, 2016 CHRT 10 at para 33.

effort by INAC or Health Canada officials to fund the service need out of an existing program.

239. This process is all the more concerning given that it contains no transparent and independent mechanism for a family or service provider to appeal a denial of service with respect to their child nor is there any assurance that the Respondent will ensure any appeal process it develops in the future will adhere to access to justice principles.

240. Further, where a First Nation's child's case does not fall within "the normative standard of care", it appears inevitable that there will be case conferencing or other procedural delays. Indeed, the presentation delivered by FNIHB to the First Nations of Quebec and Labrador Health Directors' Network in September 2016 explicitly noted that there will be varying timelines for responses: "Every case is different and every request is different. The length of time required to obtain a decision can depend on many factors, but we will work with partners to get a decision quickly".²⁹⁵ From Ms. Buckland's cross-examination, the Caring Society learned that Health Canada's hope is that these delays will be no more than five days for cases within a province's normative standard, and no more than seven days for cases outside a province's normative standard. However, Canada is not measuring its performance against these aspirations.²⁹⁶

241. Any delays in accessing public services, related to a child's First Nations status, are discriminatory and therefore the burden lies with Canada to ensure its processes, including internal reviews on matters such as normative standard, do not adversely differentiate against First Nations children.

242. This case-by-case process, where FNIHB will consider whether "an exception" should be made and which includes inquiry into whether access to services or support has been sought through existing Health Canada, INAC, or provincial programs, echoes the flawed approach found in the 2009 and 2013 Memorandums of Understanding that the Tribunal found discriminatory, given that they had "delays inherently built into them by including a review of policy and programs, case conferencing and approvals from the Assistant Deputy Minister, before interim funding [was] even provided."²⁹⁷

243. Furthermore, though Canada has set up targets relating to the timeline for the approval of Jordan's Principle requests, as noted above, more than a year after the Decision its witness was not able to confirm how often these targets were actually met.²⁹⁸

244. Most importantly, Canada's 'service standards' relate to the lapse of time for a decision to be made relating to a request and not the time it takes for the service to be

²⁹⁵ Presentation dated September 2016 delivered by Health Canada to the First Nations of Quebec and Labrador Health Directors' Network at Slide 9.

²⁹⁶ Buckland Cross Examination at p 92, lines 12-15; at p 67, lines 6-13; at p 72, lines 6-21.

²⁹⁷ *FNCFCSC et al v AGC*, 2016 CHRT 2 at para 379.

²⁹⁸ Buckland Cross Examination at p 72, line 6 to p 73, line 22.

actually provided to the child. There are no targets relating to time it will take to provide the service to children, and these delays are not tracked by Health Canada.²⁹⁹

245. In light of the foregoing, Canada should be required to confirm to the Tribunal that the Service Access Resolution function has been modified so that “the government organization that is first contacted should pay for the service without the need for policy review or case conferencing before funding is provided.”³⁰⁰ Canada should be required to file revised Health Canada policy materials confirming that this is the case within 5 days of the Tribunal’s order.

5. Dissemination of information

246. On July 6, 2016, Ms. Isaak and Sony Perron, Assistant Deputy Minister of FNIB sent a letter to an as yet undisclosed distribution list announcing Canada’s new approach to Jordan’s Principle and indicating that “[o]ver the coming months, Health Canada and Indigenous and Northern Affairs Canada will actively engage with provinces and Yukon Territory and First Nations to establish supports that would address gaps in health and social services for First Nations children on reserve with an ongoing disability or who have a discrete, short-term condition.”³⁰¹

247. Annex “I” to Canada’s October 31, 2016 compliance report provides evidence of many of the activities undertaken during this engagement. These include consultation with stakeholders regarding the selection criteria to be used to identify the organizations that will fulfill the service coordination function. This is concerning, as the scope of Jordan’s Principle may well affect the type of organization needing to be selected to deliver the service coordination function.

248. Given that funding arrangements for the “Enhanced Service Coordination” function are being, or have already been, concluded,³⁰² Canada should be required to proactively, and in writing, correct the record with any person, organization, or government who received, or could be in receipt of, Health Canada’s flawed presentation material on Jordan’s Principle. Indeed, Ms. Buckland agreed under cross-examination that “I think clarity in terms of – clarity and accuracy in terms of our communication is going to be very, very important.”³⁰³ Given that the July 5, 2016 announcement regarding Canada’s new approach to Jordan’s Principle was posted on Government of Canada websites and that

²⁹⁹ Buckland Cross Examination at p 89, line 6 to p 90, line 6.

³⁰⁰ *FNCFCS et al v AGC*, 2016 CHRT 10 at para 33.

³⁰¹ Lang Affidavit, Exhibit 2: October Compliance Report, Annex I: Letter from P. Isaak and S. Perron to undisclosed recipients, dated July 6, 2016.

³⁰² FNIHB’s goal after a September 16, 2016 meeting with the Rehabilitation Centre for Children in Winnipeg was to finalize a contribution between FNIHB and the Rehabilitation Centre for Children “shortly”, see Minutes of Meeting with Rehabilitation Centre for Children re Jordan’s Principle Child First Initiative dated September 16, 2016 at p 3, found in Annex I to Canada’s October 31, 2016 compliance report.

³⁰³ Buckland Cross Examination at p 53, lines 13-15.

Canada's narrow definition remained there until at least February 8, 2017, these efforts should involve the general public as well.

249. In addition, Canada must revisit any funding agreements and/or other arrangements already concluded to ensure that they reflect the full and proper scope and implementation of Jordan's Principle. The agreement of regional organizations to implement a government initiative cannot insulate that initiative from compliance with the Tribunal's orders in particular, or with the *CHRA* more generally.

Orders sought regarding Jordan's Principle

250. Canada's approach to Jordan's Principle means that First Nations children are more likely to be able to access public services available to other children (albeit with access that is subject to further delays related to their First Nations status) if they have a disability or critical short-term condition. Such an approach is inherently discriminatory as other non-First Nations children do not need to have a disability or critical short-term condition in order to equitably access public services in Canada.

251. Accordingly, the Caring Society respectfully requests that the Tribunal make a finding that Canada has failed to comply with the Tribunal's January 2016, April 2016 and September 2016 orders regarding Jordan's Principle by adopting a definition of Jordan's Principle that is contrary to the definition ordered by the Tribunal, and by imposing policy review or case conferencing in the context of the Child-First Initiative before funding is provided to a First Nations child with a service need.

252. In order to ensure Canada's full implementation of Jordan's Principle, the Caring Society also seeks series of orders regarding Canada's method of implementing Jordan's Principle, detailed in section (g) below.

B. Immediate relief at the first reasonable occasion

253. In its January 2016 Decision, this Panel made numerous findings of discrimination against Canada. Canada has failed to "clearly demonstrate" that it has eliminated this discrimination. Hence, this Panel may make remedial orders as follows:

53(2) If at the conclusion of the inquiry the member or panel finds that the complaint is substantiated, the member or panel may, subject to section 54, make an order against the person found to be engaging or to have engaged in the discriminatory practice and include in the order any of the following terms that the member or panel considers appropriate:

(a) that the person cease the discriminatory practice and take measures, in consultation with the Commission on the general purposes of the measures, to redress the practice or to prevent the same or a similar practice from occurring in future, including

(i) the adoption of a special program, plan or arrangement

referred to in subsection 16(1), or

(ii) making an application for approval and implementing a plan under section 17;

(b) that the person make available to the victim of the discriminatory practice, on the first reasonable occasion, the rights, opportunities or privileges that are being or were denied the victim as a result of the practice;

254. When interpreting the Tribunal's remedial powers under the CHRA, the Supreme Court of Canada has emphasized that, by virtue of its quasi-constitutional status, human rights legislation is paramount to other legislation as well as to the government's right to allocate resources. In *Kelso*, the Court stated: "The government's right to allocate resources cannot override a statute such as the *Canadian Human Rights Act*."³⁰⁴ As such, human rights tribunals have routinely ordered respondents and governments in particular, to provide a particular service that has been found to have been denied for discriminatory reasons.³⁰⁵

255. Human rights tribunals and courts have repeatedly stressed the importance that appropriate remedies be ordered when findings of discrimination have been made.³⁰⁶ According to the Canadian Human Rights Tribunal, "the entire purpose of the *Act* is to provide a meaningful remedy for those who have suffered discrimination"³⁰⁷. In fact, in at least one jurisdiction in Canada, the Human Rights Tribunal is expressly *required* to order a respondent to cease its discriminatory conduct if a complaint is substantiated.³⁰⁸ This is consistent with the legal maxim of *ubi jus ibi remedium*, according to which for every legal wrong, the law must provide a remedy. Indeed, Parliament's legislative objective of eradicating discrimination can only be achieved if the Tribunal exercises its remedial jurisdiction under 53(2).

³⁰⁴ *Kelso v the Queen* [1981] 1 SCR 199 at 207; see also *Canada (Attorney General) v. Uzoaba*, [1995] 2 FCR 569, 1995 CanLII 3589 (FC).

³⁰⁵ For example, *Ball v. Ontario (Community and Social Services)*, 2010 HRTO 360 (CanLII), the OHRT ordered Ontario to provide retroactive and ongoing funding of the special diet allowance for the lead complainants and *Hogan v. Ontario (Health and Long-Term Care)*, 2005 HRTO 49 (CanLII) the OHRT ordered Ontario to fund sex-reassignment surgery. In *Moore*, the Supreme Court of Canada did not overturn the Tribunal's order against the District to establish mechanisms to ensure that accommodations for Severe Learning Disabilities students meet the stated goals in legislation and policies, and provide a range of services to meet their needs, stating at para 65 that the order was essentially akin to directed the District to comply with the *Human Rights Code*.

³⁰⁶ *Milano v. Triple K Transport Ltd.*, 2003 CHRT 30 (CanLII) at para 64. *Martin v. Saulteaux Band Government*, 2002 CanLII 23560 (CHRT) at para 144. *Thorson v Northwest Territories*, 2013 CanLII 82655 (NT HRAP) at para 151.

³⁰⁷ *Brooks v. Department of Fisheries and Oceans*, 2005 CHRT 14 (CanLII) at para 14.

³⁰⁸ *Human Rights Code*, [RSC 1996] CHAPTER 210, section 37(2)(a)

37 (2) If the member or panel determines that the complaint is justified, the member or panel
(a) must order the person that contravened this Code to cease the contravention and to refrain from committing the same or a similar contravention

256. The evidence before the Tribunal relating to this motion has established that a remedial order is required to ensure that the discriminatory conduct identified by the Tribunal will cease. Indeed, in the year following the Tribunal's January 2016 Decision, Canada has shown itself to be either unwilling or unable to take many basic steps necessary to comply with the Decision, such as ensuring staff have read the decision, are accountable for specific tasks, and have the requisite academic training and work experience to implement the Tribunal's orders.

257. With respect to the Tribunal's January 2016, April 2016, and September 2016 Decisions, Canada has failed to put in place a reliable system for ensuring that INAC administrators and staff responsible for the FNCFS Program have read the Tribunal's decisions and understand them.³⁰⁹ For example, Canada has not implemented a formal system to ensure all staff tasked with the implementation of the Decisions have read the Decisions, understand them, and have the tools in place to implement the Tribunal's orders. Instead, Canada has relied on a series of informal emails and conversations between headquarters staff and senior regional officials, who are assumed to be passing the information along to other regional staff and to Canada's First Nations partners.

258. The perils of this informal approach are evidenced by the cross-examination of Health Canada's witness from Ontario in this motion, Ms. Cranton. Ms. Cranton is a key individual responsible for implementing the Decisions, but testified that she had not read the Tribunal's Decisions prior to her preparation for her cross-examination, in February 2017.³¹⁰ Moreover, Canada admits to not having a work-plan that specifically assigns tasks to individuals to ensure tasks related to compliance with the Decisions are completed.³¹¹

259. With respect to staff qualifications, Canada has failed to assign persons with the requisite academic credentials and work experience in child and family services and broad-based program reform to oversee and implement the Decisions. Canada's witnesses (all high-level executives tasked with implementing the Decision), testified that they have little or no prior experience working closely with First Nations Peoples and do not have formal academic or professional training in social work or child welfare.³¹² Indeed, even the MSR has no academic training in child welfare and is not a registered social worker.

260. Absent a social work degree, Canada's staff are ineligible for registration with licensed professional bodies to ensure their accountability to social work standards and ethics, including giving paramount attention to the best interests of the child and child development when making important decisions about the FNCFS Program.³¹³ In light of this, the Caring Society submits that the Tribunal must exercise its remedial powers under

³⁰⁹ Buckland Cross Examination at p 272, line 3 to p 273, line 10. See also Lang Cross Examination at p 212, line 19 to p 213, line 18.

³¹⁰ Cranton Cross Examination at p 79, lines 4-10.

³¹¹ Lang Cross Examination at p 78 line 18 to p 79 line 12; at p 356 line 6 to p 357 line 1.

³¹² Ms. Lang holds a Masters of Library Science and a Bachelor of Arts in English and French literature. See Lang Cross Examination at p 84 line 18 to 22. Ms. Buckland is a Registered Nurse. See Buckland Affidavit at para 1. Ms. Cranton holds a business degree. See Cranton Cross Examination at p 77, line 17.

³¹³ Lang Cross Examination at p 132, lines 1-16; p 245, lines 1-10.

the CHRA to ensure the enforcement of its decisions and the achievement of Parliament's legislative objective of eradicating discrimination.

C. Funding Based on Actual Expenses

261. Pursuant to section 53(2)(b) of the *CHRA* and in keeping with the Tribunal's broad remedial powers when seeking to enforce the quasi-constitutional rights the *CHRA* guarantees, the Caring Society seeks orders that Canada be required to fund legal fees, building repairs, intake and investigations and the child service purchase amount based on their actual cost until the Complainants and Canada have agreed upon the appropriate measures necessary to end the discriminatory practices.

262. In the absence of evidence relating to any other appropriate method of funding these expenses, the Caring Society submits that funding these expenses based on their actual cost is the only option available to the Tribunal that will ensure that the adverse impact of INAC's funding formulas are not perpetuated until the Complainants and Canada agree on the appropriate measures to end the discriminatory practices.

263. Canada has presented no evidence to demonstrate that the relief sought by the Caring Society would be inappropriate or cause it to experience undue hardship. As was the case in *Simpson-Sears*, it is Canada who is in possession of the necessary information to determine how the immediate relief items identified by the Tribunal may be addressed on an interim basis, or any hardship it may experience as a result of this order.

264. Furthermore, the fact that INAC has failed to conduct a costing exercise with the information in its possession to estimate the amounts required to provide FNCFS Agencies with immediate relief (having left its first attempts at this data collection until more than nine months after the Tribunal's January 2016 Decision) cannot shield Canada from its obligation to comply with the Tribunal's legally binding decision. In *Moore v British Columbia*, the Supreme Court of Canada held that a respondent could not evade its human rights obligations by claiming financial hardship when it had not conducted a proper costing exercise to determine the actual needs of students with disabilities or the cost of meeting these needs. In upholding the finding of discrimination against the school district, Justice Abella wrote:

More significantly, the Tribunal found, as previously noted, that the District undertook *no* assessment, financial or otherwise, of what alternatives were or could be reasonably available to accommodate special needs students if the Diagnostic Centre were closed. This was cogently summarized by Rowles J.A. as follows:

The Tribunal found that prior to making the decision to close [the Diagnostic Centre], the District did not undertake a needs-based analysis, consider what might replace [the Diagnostic Centre], or assess the effect of the closure on severely learning disabled students. The District had no specific plan in place to replace the services, and the eventual plan became learning assistance, which, by definition and purpose, was ill-suited for the task. The philosophy for the restructuring

was not prepared until two months after the decision had been made (paras. 380-382, 387-401, 895-899). *These findings of fact of the Tribunal are entitled to deference, and undermine the District's submission that it discharged its obligations to investigate and consider alternative means of accommodating severely learning disabled students before cutting services for them.* Further, there is no evidence that the District considered cost-reducing alternatives for the continued operation of [the Diagnostic Centre].

The failure to consider financial alternatives completely undermines what is, in essence, the District's argument, namely that it was justified in providing no meaningful access to an education for Jeffrey because it had no economic choice. In order to decide that it had *no* other choice, it had at least to consider what those other choices were.

Given the Tribunal's findings that the District had other options for addressing its budgetary crisis, its conclusion that the District's conduct was not justified should not be disturbed. The finding of discrimination is thereby confirmed.³¹⁴

265. Just as a respondent cannot evade its human rights obligation to accommodate by failing to estimate the cost of accommodation, INAC cannot refuse to provide FNCFS Agencies with immediate relief based on the fact that it has failed to conduct a costing exercise. Having failed to tender any evidence on alternative means to provide this immediate relief, funding FNCFS Agencies expenses based on their actual cost is the only way to ensure that the adverse impacts of INAC's funding formulae are not perpetuated until Canada and the Complainants agree on the appropriate measures necessary to end the discriminatory practices identified by the Tribunal.

266. Furthermore, Canada has tendered no evidence to establish that it would be unable to fund the items of immediate relief based on their actual cost. As acknowledged by Canada's witness, INAC currently funds maintenance for children in care and no limitation has been established for that funding.³¹⁵ Canada's witness also acknowledged that she did not believe that there was anything stopping INAC from funding items of immediate relief, such as legal fees, based on their actual costs.³¹⁶ The Caring Society submits that an order from the Tribunal is required to compel Canada to do so.

D. Order to Cease Reallocations Immediately

267. Canada has not ceased its practice of reallocating funding for FNCFS agencies from other INAC programs for First Nations Peoples. In fact, it has not even committed to trying to cease this practice. Rather, in its May 24, 2016 compliance report, Canada merely stated that Budget 2016 will "contribute to a more stable and predictable funding environment

³¹⁴ *Moore v. British Columbia (Education)*, [2012] 3 SCR 360, 2012 SCC 61 (CanLII) at para 52-53.

³¹⁵ Lang Cross Examination at p 327, lines 15-20.

³¹⁶ Lang Cross Examination at p 157, line 14 to p 158, line 10.

within INAC, reducing the need for reallocation from other critical programs such as infrastructure and housing”.³¹⁷

268. This has not been the case. As demonstrated by the evidence, INAC has already reallocated \$ 20 million from its infrastructure budget to fund FNCFS Agencies.³¹⁸ Much of this funding is not aimed at providing immediate relief in accordance with the Decision, but to “respond to pressures” faced by individual agencies.³¹⁹ In addition to this, INAC has also reallocated \$1.9 million to fund prevention for families at risk and small agencies, \$1.5 million to implement a cultural vision for their programming and \$1.975 million to fund FNCFS Agencies to identify their “actual needs and distinct circumstances.”³²⁰

269. The Caring Society submits that INAC’s ongoing reallocation of funds from infrastructure is a clear breach of the *CHRA*. Accordingly, pursuant to section 53(2)(a) of the *CHRA*, the Caring Society requests that INAC be ordered to cease its discriminatory practice of reallocating funds from other First Nations program in order to fund its FNCFS Program.

E. Clear written policies and dissemination of information needed to cease the discriminatory conduct

270. Human rights tribunals and commissions have repeatedly stressed the importance of written policies in order to ensure compliance with human rights legislation.³²¹ As explained by the Ontario Human Rights Commission, clear written policies that set a standard of expected behaviour and sends the message that respect for human rights legislation is to be taken seriously.³²²

271. As demonstrated in the evidence before the Tribunal relating to this motion, Canada claims that it has adopted the full meaning and scope of the Jordan’s Principle by providing oral instructions to its staff. However, many internal government documents and communications with stakeholders continue to use a narrow definition of Jordan’s Principle that restricts its application to children with disabilities or short-term conditions.³²³

³¹⁷ May Compliance Report at p 8.

³¹⁸ Lang Cross Examination at p 167, lines 3-6.

³¹⁹ Lang Affidavit para 4. See also Lang Cross Examination at p 165, line 2 to p 168, line 15.

³²⁰ Lang Affidavit, Exhibit A: Letter from Margaret Buist to FNCFS agency directors dated October 28, 2016. See also Lang Affidavit at para 9. Lang Cross Examination at p 170, lines 5-22.

³²¹ See for example, *Milano v. Triple K Transport Ltd.*, 2003 CHRT 30 (CanLII) at para 64 and *Martin v. Saulteaux Band Government*, 2002 CanLII 23560 (CHRT) at para 144. *Thorson v Northwest Territories*, 2013 CanLII 82655 (NT HRAP) at para 153.

³²² Ontario Human Rights Commission A policy primer: Guide to developing human rights policies and procedures December 2013 at p 8-9.

³²³ Lang Affidavit, Exhibit 2: October Compliance Report at Annex I: Fact Sheet: Jordan’s Principle – Addressing the Needs of First Nations Children; Canada’s July 6, 2016 further reply submissions regarding immediate relief at para 36. Lang Affidavit, Exhibit 2: October Compliance Report at p 6-7. Buckland Affidavit, Exhibit G: Letter from Minister Philpott to Dr Cindy Blackstock, dated December 22, 2016; Lang Affidavit, Exhibit 2: October Compliance Report at Annex I: Atlantic First Nations Health

272. During the hearing on the merits, Member Bélanger expressed concern about INAC's common of practice failing to take notes during meetings.³²⁴ Having argued during the hearing on the merits that INAC's practice of conducting its business verbally was a cause of discrimination, the Caring Society submits that Canada cannot now rely on oral, undocumented conversations when seeking to eliminate the pattern of discrimination that has existed in the department for years through the narrow definition of Jordan's Principle.

273. The Ontario Human Rights Commission has also stressed that sound communication plans are necessary, particularly in large and complex organisations, to ensure full compliance with human rights.

Sound communication strategies are essential to the success of any human rights plan, policy or procedure. Employees, tenants or customers must clearly understand the content of the strategy and their rights and responsibilities, why the strategy was developed and how it will be implemented. Information should be readily accessible and easy to understand³²⁵

274. In light of Canada's ongoing failure to confirm in writing its policies relating to funding formulae and Jordan's Principle and to demonstrate that it is clearly communicating these to FNCFS Agencies in a timely manner, the Caring Society submits that any immediate relief ordered by the Tribunal must be communicated clearly to FNCFS Agencies in order to ensure that these measures are implemented fully and properly and in a manner to reduce the adverse impacts of INAC's funding formulae on First Nations children. As such, the Caring Society requests that Canada be ordered to inform FNCFS Agencies by phone, email and mail, and to and publicly post a notice of any orders made by the Tribunal within 30 days of the order.

Partnership, Public Health and Primary Care Committee Update (July 5-6, 2016); Lang Affidavit, Exhibit 2: October Compliance Report at Annex I: Letter dated August 4, 2016 from Debra Keays-White (Regional Executive Officer, FNIHB Atlantic Region) to Atlantic First Nations Chiefs; Letter dated July 7, 2016 from Jocelyn Andrews (Regional Executive Officer, FNIHB Alberta Region) to Chiefs of Alberta; Letter dated August 8, 2016 from Shawn Grono (Director of Nursing, FNIHB Alberta Region) to All FNIHB and Band Employed Nurse; Health Canada Information Sheet for Nursing Staff re Jordan's Principle (undated); Buckland Cross Examination, Exhibit 11: Letter from J. Andrews to the Chiefs of First Nations in Alberta, dated February 3, 2017; Cranton Affidavit, Exhibit E: "Child First Initiative Based on Jordan's Principle: Interim Guidance for NIHB Regional Medical Transportation Staff", dated August 8, 2016.

³²⁴ Cross-Examination of B. D'Amico by D. Poulin, March 19, 2014 at p 141, lines 1-5.

³²⁵ Ontario Human Rights Commission, "A policy primer: Guide to developing human rights policies and procedures", December 2013 at p 6.

F. Absence of permissible justification for failing to provide immediate relief on the first reasonable occasion

275. The only limitation relating to the kind of relief this Tribunal may order is enumerated that section 54 of the Act.³²⁶ In the absence of the situation described in section, no further limitations may be “read into” the Tribunal’s remedial powers under section 53(2)(b). As expressed by the Ontario Human Rights Tribunal,

... a legislature would have to use very clear language to limit the ambit of a term; it is not open to the Tribunal to read in a limitation that the legislature has not created.³²⁷

276. INAC has indicated that it has the intention to “further refine formulas as the program reform is complete, and the information on actual needs of agencies is provided”³²⁸. This position is echoed in Ms. Lang’s affidavit, which states that no further reform will be undertaken by Canada until there is “collaboration with its partners”³²⁹ through a “multi-pronged engagement process to gather information on agency needs and work collaboratively towards medium and long-term reform” with its partners”.³³⁰

277. The Caring Society submits that ongoing “conversations” by INAC staff and the MSR are not a permissible limitation on the relief that may be ordered by the Tribunal now that the complaint has been substantiated.³³¹ The *CHRA* clearly states that orders made pursuant to section 53(2)(b) must require the respondent to provide the right or privilege that was denied as a result of discriminatory conduct at the “first reasonable occasion” possible. There is no language in the *CHRA* that supports the Respondent’s claim that it may refrain from complying with its human rights obligations by discussing its discriminatory conduct with partners.

278. Furthermore, the evidence demonstrates that INAC’s “conversations” are not good faith efforts to understand and meaningfully respond to the actual needs of First Nations children and their families. By way of example, from February 11, 2016 to March 22, 2016, INAC representatives engaged in several “conversations” relating to the funding formulas

³²⁶ Section 54 states:

54 No order that is made under subsection 53(2) may contain a term

(a) requiring the removal of an individual from a position if that individual accepted employment in that position in good faith; or

(b) requiring the expulsion of an occupant from any premises or accommodation, if that occupant obtained those premises or accommodation in good faith.

³²⁷ *Doppelhamer v. Workplace Safety and Insurance Board*, 2009 HRTO 2056. See also *Canada (House of Commons) v. Vaid*, [2005] 1 S.C.R. 667 at para 81.

³²⁸ October Compliance report at p 2. No timeline is provided for this program reform.

³²⁹ Lang Affidavit at para 12.

³³⁰ Lang Affidavit at para 13.

³³¹ The term “conversation” appears 105 times in the Lang Cross Examination.

for the FNCFS Program with the complainants. During this time, funding levels for FNCFS Agencies had already been established through Budget 2016. No changes were made to this Budget following the release of the Decision or INAC's discussions with the complainants. Similarly, INAC's witness also conceded that needs identified during such "discussions" and "conversations" will not lead to immediate case-by-case funding but may be "looked at" in "medium or longer term."³³²

279. Likewise, Canada's alleged concerns about FNCFS Agencies' lack of capacity cannot be used to restrict this Tribunal's role to ensure compliance with the *CHRA*. None of the studies relied upon by INAC when advancing this claim supports this position in any way. Rather, inequitable funding is identified as one of the *causes* of difficulties experienced when recruiting and retaining staff.³³³ The report states:

"Moreover almost 60 percent of agencies reported in their business plans that staff recruitment and retention was an issue. Some reasons given include the rural/remoteness factor, salary levels, stress/trauma and shortage of people with the necessary qualifications (emphasis added)"

280. In addition to lacking a basis in fact, Canada's contention that it is not required to comply with its human rights obligations because it is of the view that FNCFS Agencies are not "ready" for equality is wholly inconsistent with human rights jurisprudence. It is not the role of a respondent who has been found to be in breach of the *CHRA* to determine that it would not be in the victim's best interest for the discriminatory conduct to cease at the first reasonable occasion. Implicit in this Respondent's argument is the belief that FNCFS Agencies do not know what is best for themselves or First Nations children. This thinking reflects the very stereotypes and discriminatory attitudes about First Nations Peoples that the *CHRA* seeks to eradicate.

281. Similarly, Canada's various 'budget cycles' are not a permissible limitation on the Tribunal's remedial powers. As noted above, the Supreme Court of Canada has emphasized that human rights legislation is paramount to government's right to allocate resources.

282. This is in consistent with the language of the *CHRA* that requires that a party found to have discriminated contrary to the *CHRA* to "make available to the victim of the discriminatory practice, on the first reasonable occasion, the rights, opportunities or privileges that are being or were denied the victim as a result of the practice". Moreover, ordering Canada to provide immediate relief on the first reasonable occasion rather than in the next convenient budget cycle will also ensure that First Nations children are provided with the urgent mental health services they require in life or death situations.³³⁴

³³² Lang Cross Examination at p 32, line 5 to line 15 and p 38, line 18 to p 43, line 4.

³³³ Lang Cross Examination, Exhibit 11: AANDC Report, "Implementation Evaluation of the Enhanced Prevention Focused Approach in Manitoba for the First Nations Child and Family Services Program, dated June 2014 at p 33.

³³⁴ Kirlew Affidavit at para 16.

G. Summary of the Orders sought

283. The Caring Society asks:

- a. That the Tribunal find that the Canada has failed to comply with the Tribunal's Orders in 2016 CHRT 2, 2016 CHRT 10 and CHRT 16 by:
 - i. Continuing to reallocate funds to the FNCFS Program from other INAC programs;
 - ii. Failing to immediately remedy the adverse effects of its failure to appropriately fund the legal costs of FNCFS Agencies;
 - iii. Failing to immediately remedy the adverse effects of its failure to appropriately fund small FNCFS Agencies;
 - iv. Failing to immediately remedy the adverse effects of its failure to appropriately fund building repairs for FNCFS Agencies;
 - v. Failing to immediately remedy the adverse effects of its failure to appropriately fund intake and investigations for FNCFS Agencies; and
 - vi. Failing to immediately remedy the adverse effects of its failure to appropriately fund the child service purchase amount for FNCFS Agencies.
- b. An Order that, until such time as Canada and the Complainants have agreed upon and implemented the appropriate measures necessary to end the discriminatory conduct in question or until further order of the Tribunal, Canada shall:
 - i. Immediately cease reallocating funds to the FNCFS Program from other INAC programs, retroactive to January 26, 2016;
 - ii. Immediately fund, on the basis of their actual cost, the legal costs of FNCFS Agencies, retroactive to January 26, 2016;
 - iii. Immediately replace the population threshold for core FNCFS Agency funding with the recommended funding increments per every 25 children on reserve as recommended in *Wen:de*, adjusted for inflation, retroactive to January 26, 2016;
 - iv. Immediately fund, on the basis of their actual cost, building repairs for FNCFS Agencies where required by applicable fire, safety, building codes and regulations or where there is other evidence of non-compliance with applicable fire, safety and building codes and regulations, retroactive to January 26, 2016;
 - v. Immediately fund, on the basis of their actual cost, the intake and investigations of FNCFS Agencies; and
 - vi. Immediately increase the child service purchase amount for FNCFS Agencies to \$200 per child.
- c. Advise all FNCFS Agencies by phone, email and mail, and publicly post a notice on the INAC website, with 30 days of the order, that Canada will immediately fund the above noted expenses based on their actual costs.

- d. An Order requiring Canada to provide, within 30 days of the Order, a reliable data collection, analysis and reporting methodology, as well as ethical research guidelines respecting Indigenous peoples that include protection of Indigenous intellectual property, that will be applied to said research, for approval by the Tribunal upon further submissions by the parties, to guide the data collection process launched following its October 28, 2016 email to FNCFS Agencies;
- e. An Order requiring Canada to provide FNCFS Agencies with funding a minimum amount of \$25,000 for data collection for small agencies, which amount shall be scaled proportionality upwards for large agencies and multi-site agencies where required for an FNCFS Agency, to prepare for costing exercises.
- f. An Order requiring Canada to serve and file affidavit material detailing its compliance with the Tribunal's Orders within 30 days of those Orders;
- g. An Order that Canada immediately cease relying upon and perpetuating definitions of Jordan's Principle that violates the Tribunal's Orders in 2016 CHRT 2, 2016 CHRT 10 and 2016 CHRT 16 (First Nations children with "disabilities and those who present with a discrete, short-term issues for which there is a critical need for health or social supports");
- h. An Order that within 15 days of the Tribunal's Order, Canada post definitions and approaches to Jordan's Principle that fully comply with the Tribunal's orders on the home pages of Health Canada and INAC's websites with appropriate links to specialized topic pages and that Canada take out full page advertisements in two national newspapers, a provincial/territorial newspaper in each province/territory, regional Indigenous newspapers where they exist. and post a televised announcement on Aboriginal Peoples Television Network in French and English, providing details of compliant definitions of Jordan's Principle and a 24-hour toll free reporting line for Jordan's Principle cases. This is to be done at Canada's expense from budgets not related to the governance or services provided to First Nations peoples.
- i. An Order that within 45 days of the order, Canada, in consultation with the Complainants and Interested Parties, develop Jordan's Principle public education materials and ensure their proper distribution to First Nations communities, professionals and other stakeholders. Canada will then fully fund and ensure that the public education materials are provided to all First Nations, all First Nations child and family service agencies and other service agencies providing services to First Nations children and families. This will include Canada funding the translation of public relations materials into First Nations languages.

- j. An Order that, within 30 days of the Order, Canada contact, in writing, all stakeholders who received communications including the definition of Jordan's Principle that violates the Tribunal's Orders in 2016 CHRT 2, 2016 CHRT 10, and 2016 CHRT 16, and to immediately advise these stakeholders in writing that Jordan's Principle includes all jurisdictional disputes involving all First Nations children resident on and off reserve;
- k. An Order that, within 30 days of the Order, Canada revisit any agreements concluded with third party organizations to provide services under the Child First Initiative's Service Coordination Function and make any changes necessary to reflect the proper definition and scope of Jordan's Principle, which includes all jurisdictional disputes involving all First Nations children; and
- l. An Order that Canada immediately cease imposing service delays due to policy review or case conferencing or any other procedure through the Child First Initiative's Service Access Resolution Function.
- m. An Order that Canada immediately make mental health services available to all First Nations children in Ontario.
- n. An Order that Canada immediately implement reliable internal systems to ensure that all possible Jordan's Principle cases are immediately identified and addressed including those where the reporter does not know the case is a Jordan's Principle case.
- o. An Order that Canada track its performance in delivering its Child-First Initiative, and report the results of that performance tracking to the Tribunal at regular intervals.
- p. An Order that Canada immediately provide the services already enumerated in the service gaps documents tendered as evidence during the hearings (CHRC Tabs 78 and 302) and provide written confirmation to the Tribunal that such funding has been made available and service providers and the public are aware of their right to access such services.

H. The reporting process moving forward

284. More than one year has passed since the Tribunal rendered its January 2016 Decision in favour of the children. Some of the delays in the implementation of immediate relief can be attributed to repeated delays in the consideration of immediate relief flowing from unexpected submissions from Canada, or a lack of clarity regarding proper procedure among the parties.

285. Timelines for cross-examinations on Canada's compliance reports were only established after the collapse of the November 2016 case conference, when Complainants and the Interested Parties filed motions seeking the implementation of immediate relief. With the exception of minor deviations within the schedule based on discrete circumstances, the parties have been able to work towards certain hearing dates regarding immediate relief over the course of a 3.5 month period.

286. The Caring Society would welcome the opportunity to make submissions on the reporting process moving forward to ensure that issues relating to immediate, mid-term and long term relief are dealt with as informally and expeditiously as possible and in accordance with the best interests of the child.

287. In particular, the Caring Society requests that moving forward, the Tribunal direct that, following any future remedial orders, Canada produce its compliance reports in the form of an affidavit and that a timeline be established very early on in the process to allow for cross-examination of the affiants by the complainants and interested parties, followed by the filing of written arguments and oral submissions. The process of exchanging evidence and the opportunity to cross-examine Canada's witnesses has contributed to making the remedial process more transparent, and, in the absence of disclosure obligations on Canada's part, has ensured that the complainants and interested parties remain able to assist the Tribunal in the context of the adversarial process.

288. The Caring Society also wishes to make submissions regarding the possibility of the Tribunal appointing an *amicus* attorney pursuant to its implied statutory authority, in order to oversee Canada's compliance with Tribunal orders in the future and to advise the Tribunal and the parties as to Canada's progress, so that any issues arising from the implementation of the Tribunal's orders may be dealt with as informally and expeditiously as possible, and in accordance with the best interests of the child.³³⁵

³³⁵ While this is a novel request, human rights tribunals have established systems to monitor respondents' compliance to orders in the past. See for example, *National Capital Alliance on Race Relations v. Canada (Health and Welfare)* [1997] C.H.R.D. No. 3 (CHRT) where the respondent was ordered to create and report to an internal review committee. See also *C.N.R. v. Canada (Human Rights Commission)* ("*Action Travail des Femmes*") [1987] 1 S.C.R. 1114, where the respondent was ordered to report its progress on gender equality to the human rights commission.

PART V - CONCLUSION

289. During this hard fought last 10-years case, while First Nations children waited, Canada repeatedly took the position that it was not discriminating against First Nations children within the meaning of the CHRA. In fact, it took almost every legal avenue available to prove that its conduct was not reviewable within the parameters of the Act. On January 26, 2016, the Complaint was substantiated on every ground and a finding was made that Canada is discriminating against First Nations children and their families. No judicial review application followed and Canada's officials say that they accept the findings made by the Tribunal.

290. Canada's conduct to date suggests otherwise. Its approach to the Tribunal's orders for immediate relief is flippant, ad hoc and not in keeping with the findings made in this case. Canada's "above the law" approach to implementing the CHRT remedies in this case presents a very disturbing example and "creates conditions of gross inequality, rewarding those who turn their backs on the law, while placing burdens on those who follow the law." If allowed to continue, the precedent could inspire other change resistant Respondents found responsible for discrimination to follow Canada's example rendering the CHRA a legislative paper tiger. This is to be avoided at all costs.

291. Canada's efforts to excuse its failure to "immediately cease" its discriminatory conduct ignores the realities facing First Nations children who are touched by the child welfare system. Canada's residential school policy, its involvement in the 60's scoop and its ongoing discrimination today all involved the removal of children from their families based on race. Justice Belobaba's description of the harm wrought by Canada to 60's scoop survivors brings into stark focus the harms experienced by First Nations children at the center of this case:

The impact on the removed aboriginal children has been described as "horrendous, destructive, devastating and tragic." The uncontroverted evidence of the plaintiff's experts is that the loss of their aboriginal identity left the children fundamentally disoriented, with a reduced ability to lead healthy and fulfilling lives. The unemployment, violence and numerous suicides. Some researchers argue that the Sixties Scoop was even 'more harmful than the residential schools':

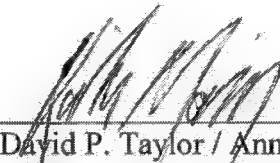
Residential schools incarcerated children for 10 months of the year, but at least the children stayed in an Aboriginal peer group; they always knew their First Nation of origin and who their parents were and they knew that eventually they would be going home. In the foster and adoptive system..."³³⁶

³³⁶ *Brown v. Canada (Attorney General)*, 2017 ONSC 251 at para 7.

292. The time for conversations is over. The time for stated intentions is over. The time for best efforts is over. First Nations children deserve to experience substantive equality while they are still children. Time is passing and the children are growing. Now is the right time.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

Dated: February 28, 2017


for David P. Taylor / Anne Leveque
Sarah Clarke / Sébastien Grammond /
Kaila Morin (student-at-law)

Counsel for the Caring Society

PART VI – LIST OF AUTHORITIES

Legislation

Tab

1. *Canadian Human Rights Act*, R.S.C., 1985, c. H-6
2. *Child and Family Services Act*, RSNS 1990, c 5, section 3(a)(e)
3. *Children and Youth Care and Protection Act*, SNL 2010, c C-12.2, section 2(1)(c)
4. *Human Rights Code*, [RSBC 1996] CHAPTER 210

Cases

Tab

5. *Arzem v. Ontario (Community and Social Services)*, 2006 HRTO 17
6. *Ball v. Ontario (Community and Social Services)*, 2010 HRTO 360
7. *Brooks v. Department of Fisheries and Oceans*, 2005 CHRT 14
8. *Brown v. Canada (Attorney General)*, 2017 ONSC 251
9. *C.N.R. v. Canada (Human Rights Commission)*, [1987] 1 S.C.R. 1114
10. *Canada (Attorney General) v. Uzoaba*, [1995] 2 FCR 569 (FC)
11. *Canada (House of Commons) v. Vaid*, [2005] 1 S.C.R. 667
12. *Condon v. Prince Edward Island*, 2002 PESCTD 41
13. *Doppelhamer v. Workplace Safety and Insurance Board*, 2009 HRTO 2056
14. *Eagleson Co-Operative Homes Inc. v. Théberge*, 2006 CanLII 29987 (ON SCDC)
15. *Exploits-White Bay Roman Catholic School Board v. Newfoundland Teachers' Association*, 1982 CanLII 2960 (NL SCTD)
16. *Hogan v. Ontario (Health and Long-Term Care)*, 2005 HRTO 49
17. *Kelso v the Queen* [1981] 1 SCR 199

18. *Law v. Canada (Minister of Employment and Immigration)*, [1999] 1 SCR 497
19. *Martin v. Sauteaux Band Government*, 2002 CanLII 23560 (CHRT)
20. *McGill University Health Centre (Montreal General Hospital) v. Syndicat des employés de l'Hôpital général de Montréal*, [2007] 1 SCR 161
21. *Mercedes-Benz Financial (DCFS Canada Corp.) v. Kovacevic*, 2009 CanLII 9423 (ON SC)
22. *Milano v. Triple K Transport Ltd.*, 2003 CHRT 30
23. *Moore v. British Columbia (Education)*, [2012] 3 SCR 360
24. *National Capital Alliance on Race Relations v. Canada (Health and Welfare)* [1997] C.H.R.D. No. 3 (CHRT)
25. *Ontario Human Rights Commission v Simpson-Sears*, [1985] 2 SCR 536
26. *Thorson v Northwest Territories*, 2013 CanLII 82655 (NT HRAP)
27. *Zurich Insurance Co. v. Ontario (Human Rights Commission)* [1992] 2 S.C.R. 321

Other sources

Tab

28. J Kirkemann Boesen & Martin, T., "Applying a Rights-Based Approach : An inspiration guide for civil society." The Danish Institute for Human Rights, 2007
29. Ontario Human Rights Commission, "A policy primer: Guide to developing human rights policies and procedures" (December 2013)

Table 1

Calculations to determine the total number of hours lawyers can spend on each child's case per agency in 2015/2016

A	B	C	D	E	F	G	H
#	Province	Agency	Total number of children in care in 2015/2016	Annual legal budget per agencies in 2015/2016 (in \$)	Number of hours lawyers can provide services within the annual legal budget (Column E / 140 \$ which is the rate for outside counsel with 5-6 years of experience according to Federal justice rates : http://www.justice.gc.ca/eng/abt-apd/ia-man/index.html)	Total number of hours lawyers can spend on each child's case (Column F / Column D)	Notes
1	Newfoundland and Labrador	Government of NL	191	30 000	190	0.99	Children in care based on actuals 13/14
2	Newfoundland and Labrador	Miwpukek Mi'kanawey Maw'omi	14	30 000	190	13.55	Children in care based on 6%
3	Prince Edward Island	MCPEI CFS	13	25 000	157	12.05	Children in care based on 6%
4	Nova Scotia	Mikmaw FCS	372	10 000	62	0.17	No info provided regarding source of data for children in care
5	New-Brunswick	Elsipogtog First Nation	55	50 000	316	5.75	Children in care based on 6.0%
6	New-Brunswick	North Shore	76	50 000	316	4.16	Children in care based on actuals 13/14

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7	New-Brunswick	St John River	74	50 000	316	4,27	Children in care based on 6,0%
8	Quebec	Conseil de la Nation Atikamek-Sipi CFS	95	20 000	124	1,31	Children in care based on 6%
9	Quebec	Atikamekw d'Opitciwan CFS	59	20 000	124	2,11	Children in care based on actuals 13/14
10	Quebec	Gesgapegiag CFS	15	20 000	124	8,28	Children in care based on actuals 13/14
11	Quebec	Grand Conseil Wabanaki CFS	6	20 000	124	20,71	Children in care based on 6%
12	Quebec	Nation Huronne-Wendat CFS	23	20 000	124	5,4	Children in care based on 6%
13	Quebec	Kahnawake CFS	100	20 000	124	1,24	Children in care based on 6%

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14	Quebec	Kitigan Zibi Amishnabeg CFS	23	20 000	124	5,4	Children in care based on 6%
15	Québec	Montagnais Du Lac St. Jean CFS	54	20 000	124	2,3	Children in care based on actuals 13/14
16	Québec	Regroupement Mamit Innuat CFS	42	20 000	124	3	Children in care based on 6%
17	Québec	Conseil Montagnais de Shrefferville CFS	18	20 000	124	6,9	Children in care based on actuals 13/14
18	Québec	Restigouche CFS	34	20 000	124	3,65	Children in care based on actuals 13/14
19	Québec	Uashat/Maliote nam CFS	88	20 000	124	1,41	Children in care based on actuals 13/14

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20	Quebec	Natashquan CFS	21	20 000	124	5.92	Children in care based on actuals 13/14
21	Quebec	CJ Laurentides	15	20 000	124	8.28	Children in care based on 6%
22	Quebec	CPEJ Outaouais	26	20 000	124	4.78	Children in care based on actuals 13/14
23	Quebec	CPEJ Abitibi Temiscamingue	273	20 000	124	0.46	Children in care based on actuals 13/14
24	Quebec	Betsiamites CFS	63	20 000	124	1.97	Children in care based on actuals 13/14
25	Quebec	Conseil Montagnais Essipit CFS	3	20 000	124	41.42	Children in care based on 6%
26	Ontario	-	-	-	-	-	-

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27	Manitoba	Awasis Agency	457	Detail not provided	-	-	Children in care based on actuals 13/14
28	Manitoba	Cree Nation CFCA	238	Detail not provided	-	-	Children in care based on 7%
29	Manitoba	Island Lake CFS	319	Detail not provided	-	-	Children in care based on 7%
30	Manitoba	Kinosao Sipi Minisowin Agency	165	Detail not provided	-	-	Children in care based on 7%
31	Manitoba	Nisichawayasihk Cree Nation Wellness Centre	119	Detail not provided	-	-	Children in care based on 7%
32	Manitoba	Opaskwayak Cree Nation CFS Agency	89	Detail not provided	-	-	Children in care based on 7%
33	Manitoba	Nikan Awasisik Agency	169	Detail not provided	-	-	Children in care based on 7%

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34	Manitoba	Anishinaabe CFS	119	Detail not provided	.	.	Children in care based on 7%
35	Manitoba	Dakota Ojibway CFS	231	Detail not provided	.	.	Children in care based on actuals 13/14
36	Manitoba	Intertribal CFS	53	Detail not provided	.	.	Children in care based on 7%
37	Manitoba	Peguis CFS	92	Detail not provided	.	.	Children in care based on 7%
38	Manitoba	Sandy Bay First Nation CFS	120	Detail not provided	.	.	Children in care based on 7%
39	Manitoba	Sagkeeng CFS	89	Detail not provided	.	.	Children in care based on 7%
40	Manitoba	Southeast CFS	442	Detail not provided	.	.	Children in care based on actuals 13/14
41	Manitoba	West Region CFS	217	Detail not provided	.	.	Children in care based on actuals 13/14

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42	Saskatchewan	Agency Chiefs CFS	119	40 000	260	2,18	Children in care based on 6%
43	Saskatchewan	Ahtahkakoop CFS	42	40 000	260	6,18	Children in care based on 6%
44	Saskatchewan	Athabasca Densuline CFS	96	40 000	260	2,71	Children in care based on 6%
45	Saskatchewan	BTC Human Services Corp	41	40 000	260	6,34	Children in care based on 6%
46	Saskatchewan	Kanaweyimik CFS	97	40 000	260	2,68	Children in care based on 6%
47	Saskatchewan	Lac La Ronge CFS	161	40 000	260	1,61	Children in care based on 6%
48	Saskatchewan	Meadow Lake Tribal Council CFS	174	40 000	260	1,49	Children in care based on 6%
49	Saskatchewan	Montreal Lake CFS	52	40 000	260	5	Children in care based on 6%
50	Saskatchewan	Onion Lake FS	110	40 000	260	2,36	Children in care based on 6%

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51	Saskatchewan	Peter Ballantyne CFS	173	40 000	260	1,5	Children in care based on 6%
52	Saskatchewan	Sturgeon Lake CFS	46	40 000	260	5,65	Children in care based on 6%
53	Saskatchewan	Nechapanuk Centre CFS	89	40 000	260	2,92	Children in care based on 6%
54	Saskatchewan	Qu'Appelle CFS	43	40 000	260	6,04	Children in care based on 6%
55	Saskatchewan	Saskatoon Tribal Council HFS	108	40 000	260	2,41	Children in care based on 6%
56	Saskatchewan	Touchwood CFS	105	40 000	260	2,47	Children in care based on 6%
57	Saskatchewan	Wahkotowin	42	40 000	260	6,18	Children in care based on 6%
58	Saskatchewan	Yorkton Tribal Council CFS	198	40 000	260	1,31	Children in care based on 6%

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59	Alberta	Akamkospatana w Ohipkuhawson	71	33 500	228	3,21	Children in care based on actuals 14/15
60	Alberta	Athabasca Tribal Council	37	33 500	228	6,16	Children in care based on 6%
61	Alberta	Bigstone Cree Nation	75	33 500	228	3,04	Children in care based on 6%
62	Alberta	Kainaiwa Children's Services Corp	163	33 500	228	1,4	Children in care based on 6%
63	Alberta	Kasohkowew Child Wellness	254	33 500	228	0,90	Children in care based on actuals 14/15
64	Alberta	KeeTasKeeNo w CFS	93	33 500	228	2,45	Children in care based on 6%
65	Alberta	Little Red River Cree Nation CFS	140	33 500	228	1,63	Children in care based on 6%

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66	Alberta	Lesser Slave Lake Indian Regional Council	50	33 500	228	4,56	Children in care based on 6%
67	Alberta	Pikani Nation	38	33 500	228	6	Children in care based on 6%
68	Alberta	North Peace Tribal Council	57	33 500	228	4	Children in care based on 6%
69	Alberta	Saddle Lake First Nation Wah-Koh-To-Win	107	33 500	228	2,13	Children in care based on actuals 14/15
70	Alberta	Siksika Family Services	95	33 500	228	2,4	Children in care based on actuals 14/15
71	Alberta	Stoney CFS	182	33 500	228	1,25	Children in care based on actuals 14/15
72	Alberta	Tribal Chiefs CFS	83	33 500	228	2,75	Children in care based on 6%

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73	Alberta	MOTTCS West	52	33 500	228	4.38	Children in care based on actuals 14/15
74	Alberta	Tsuu Tina Nation CFS	62	33 500	228	3.68	Children in care based on actuals 14/15
75	Alberta	Western Cree	51	33 500	228	4.47	Children in care based on 6%
76	British Columbia	Ayas Men Men	45	30 000	191	4.25	Children in care based on actuals 13/14
77	British Columbia	Lalum'Utul'Smu n'Eem	59	30 000	191	3.24	Children in care based on 6%
78	British Columbia	Spallumcheen CFS	37	30 000	191	5.17	Children in care based on actuals 13/14
79	British Columbia	Kwumut Lelum CFS	50	30 000	191	3.83	Children in care based on 6%
80	British Columbia	Gitxan	42	30 000	191	4.56	Children in care based on 6%

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Table 1 Calculations to determine the total number of hours lawyers can spend on each child's case per agency in 2015/2016

A	B	C	D	E	F	G	H
#	Province	Agency	Total number of children in care in 2015/2016	Annual legal budget per agencies in 2015/2016 (in \$)	Number of hours lawyers can provide services within the annual legal budget (Column E / 140 \$ which is the rate for outside counsel with 5-6 years of experience according to Federal justice rates : http://www.justice.gc.ca/eng/abt-apd/la-man/index.html)	Total number of hours lawyers can spend on each child's case (Column F / Column D)	Notes
81	British Columbia	Knucwentwecw FCS	24	30 000	191	7,97	Children in care based on 6%
82	British Columbia	Nlha'7kapmx CFS	22	30 000	191	8,7	Children in care based on 6%
83	British Columbia	Nuu-Chah Nulth CHS	62	30 000	191	3,09	Children in care based on 6%
84	British Columbia	Scw'Ex'Mx CFS	34	30 000	191	5,63	Children in care based on actuals 13/14
85	British Columbia	Fraser Valley Aboriginal CFS	49	30 000	191	3,9	Children in care based on 6%
86	British Columbia	Carrier Sekani	57	30 000	191	3,36	Children in care based on 6%
87	British Columbia	Secwepemc CFS	36	30 000	191	5,31	Children in care based on 6%
88	British Columbia	Northwest Inter-Nation FCS	55	30 000	191	3,48	Children in care based on 6%

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89	British Columbia	Nil/Tu,O	45	30 000	191	4,25	Children in care based on 6%
90	British Columbia	Ktunaxa?Kinbasket TC	12	30 000	191	15,94	Children in care based on actuals 13/14
91	British Columbia	Heiltsuk Kaxla CFS	18	30 000	191	10,63	Children in care based on 6%
92	British Columbia	Nezul Be Hunyeh CFS	25	30 000	191	7,65	Children in care based on actuals 13/14
93	British Columbia	Namgis	14	30 000	191	13,67	Children in care based on 6%
94	British Columbia	Haida CFS	21	30 000	191	9,11	Children in care based on 6%
95	British Columbia	Desniqi Services Society	39	30 000	191	4,91	Children in care based on 6%
96	British Columbia	Ministry of CFS	790	30 000	191	0,24	Children in care based on 6%

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Table 1 Calculations to determine the total number of hours lawyers can spend on each child's case per agency in 2015/2016

A	B	C	D	E	F	G	H
#	Province	Agency	Total number of children in care in 2015/2016	Annual legal budget per agencies in 2015/2016 (in \$)	Number of hours lawyers can provide services within the annual legal budget (Column E / 140 \$ which is the rate for outside counsel with 5-6 years of experience according to Federal justice rates : http://www.justice.gc.ca/eng/abt-apd/la-man/index.html)	Total number of hours lawyers can spend on each child's case (Column F / Column D)	Notes
97	Yukon	Government of Yukon	129	40 000	272	2,11	Children in care based on 6%

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CANADIAN HUMAN RIGHTS TRIBUNAL

B E T W E E N:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA
and ASSEMBLY OF FIRST NATIONS**

Complainants (Moving Party)

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

**ATTORNEY GENERAL OF CANADA
(representing the Minister of Indigenous and Northern Affairs Canada)**

Respondent (Responding Party)

- and -

**CHIEFS OF ONTARIO, AMNESTY INTERNATIONAL CANADA
and NISHNAWBE ASKI NATION**

Interested Parties

**MEMORANDUM OF FACT AND LAW
ASSEMBLY OF FIRST NATIONS
TO ENFORCE RESPONDENT'S FULL COMPLIANCE WITH THE DECISION OF THE CANADIAN
HUMAN RIGHTS TRIBUNAL, 2016 CHRT 2, AND THE PANEL'S REMEDIAL ORDERS**

ORIGINAL TO: **Canadian Human Rights Tribunal**
c/o Dragiša Adzic, Registry Officer
160 Elgin Street, 11th Floor
Ottawa, ON K1A 1J4

COPIES TO: **Attorney General of Canada**
(representing the Minister of Indigenous and Northern Affairs Canada)

Per: Jonathan Tarlton
Melissa Chan
Patricia MacPhee
Atlantic Regional Office
Department of Justice Canada
Suite 1400, Duke Tower
5251 Duke Street
Halifax, NS B3J 1P3
T: (902) 426-3260
F: (902) 426-7913

Jonathan.Tarlton@justice.gc.ca
Melissa.Chan@justice.gc.ca
patricia.macphee@justice.gc.ca

Per: Terry McCormick
Ainslie Harvey
British Columbia Regional Office
Department of Justice Canada
900-840 Howe Street
Vancouver, BC V6Z 2S9
T: (604) 666-2061
F: (604) 666-2760

Terry.McCormick@justice.gc.ca
Ainslie.Harvey@justice.gc.ca

Counsel for the Respondent (Responding Party), Attorney General of Canada

AND TO: First Nations Child & Family Caring Society of Canada

Per: David P. Taylor
Sarah Clarke
Anne Levesque
Sébastien Grammond
Juristes Power - Power Law
Suite 1103, 130 Albert Street
Ottawa, ON K1P 5G4
T: (613) 702-5560
F: 1 (888) 404-2227

dtaylor@juristespower.ca
sarah@childandfamilylaw.ca
Anne@equalitylaw.ca
sgrammon@uottawa.ca

Counsel for the Complainant, First Nations Child & Family Caring Society of Canada

AND TO: Canadian Human Rights Commission

Per: Daniel Poulin
Samar Musallam
344 Slater Street, 8th Floor
Ottawa, ON K1A 1E1
T: (613) 943-9532
F: (613) 993-3089

Daniel.Poulin@chrc-ccdp.gc.ca
Samar.Musallam@chrc-ccdp.gc.ca

Counsel for the Commission

AND TO: Chiefs of Ontario

Per: Maggie Wenté
Olthuis, Kleer, Townshend LLP
250 University Avenue, 8th Floor
Toronto, ON M5H 3E5
T: (416) 981-9330
F: (416) 981-9350

MWenté@oktlaw.com

Counsel for the Interested Party, Chiefs of Ontario

AND TO: **Amnesty International Canada**

Per: Justin Safayeni
Stockwoods LLP Barristers
TD North Tower
77 King Street West, Suite 4130
PO Box 140
Toronto Dominion Centre
Toronto, ON M5K 1H1
T: (416) 593-3494
F: (416) 593-9345

justins@stockwoods.ca

Counsel for the Interested Party, Amnesty International Canada

AND TO: **Nishnawbe Aski Nation**

Per: Julian Falconer
Anthony Morgan
Akosua Matthews
Falconers LLP
10 Alcorn Avenue, Suite 204
Toronto, ON M4V 3A9
T: (416) 964-0495
F: (416) 929-8179

julianf@falconers.ca
AnthonyM@falconers.ca
akosuam@falconers.ca

Counsel for the Interested Party, Nishnawbe Aski Nation

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PART I – STATEMENT OF FACTS

A. Overview

1. The Assembly of First Nations (“AFN”) brings this motion to enforce compliance by the Respondent, formerly known as Aboriginal Affairs and Northern Development Canada (“AANDC”), now known as Indigenous and Northern Affairs Canada (“INAC”), with the Panel’s Decisions, 2016 CHRT 2, 2016 CHRT 10, and 2016 CHRT 16, and the remedial orders for immediate relief contained in those Decisions. The AFN is particularly concerned with those INAC child welfare funding policies and programs (the FNCFS program and other related provincial/territorial agreements) that have been found to be discriminatory in that they fail to fund prevention services on the basis of need and in light of the historically disadvantaged circumstances of First Nations children and families on reserve, while fully funding apprehensions, which acts as a perverse incentive to promote the removal of First Nations children from their on-reserve families and homes.
2. It has now been over a year since the Panel rendered its Decision, 2016 CHRT 2, ordering INAC to cease its discriminatory practices. However, INAC continues to fund prevention services according to its discriminatory funding formulas and refuses to institute immediate measures to begin funding prevention services on the basis of need. The impact of INAC’s refusal to comply has not been ascertained at this point; but presumably

if its funding policies and practices continue to act as an improper incentive, then it can be expected that it will result in the further removal of children from First Nations families and homes on reserve. The conduct of the Respondent cannot be condoned. Therefore, the AFN seeks a clear order that INAC must comply on the issue of funding prevention services on reserve on the basis of need, within a specified timeframe, after which it will be found to be in non-compliance. This will enable the AFN to take further enforcement steps as it deems appropriate.

3. Though we are focused primarily on immediate relief, our submissions regarding consultation apply more broadly to both immediate relief issues as well as mid- to long-term issues. Indeed, it is our submission that consultation – which currently excludes the co-complainants – should not be an excuse to delay immediate relief, particularly with regard to funding prevention based on need. Immediate relief must be immediate while ongoing consultation may address both mid- and long-term relief. Likewise, while the AFN favours the re-establishment of the NAC, that should not be interpreted as a pre-condition to INAC implementing immediate relief measures. The NAC, if properly constituted, will be helpful particularly with regard to bringing about long-term reforms, and could be a useful vehicle in fulfilling INAC's consultations duties, including the development of a consultation protocol. The successful establishment of the NAC in the short term will facilitate the transition into dealing with the mid- to long-term reforms.
4. The AFN will also address issues of INAC general non-compliance and non-compliance respecting areas other than prevention. This secondary focus is intended to both provide the Panel with context regarding the circumstances in First Nations after the Main Decision, and support the AFN position that the way INAC funds First Nations child welfare – according to existing funding formulas and policies, rather than on the basis of need – continues to have discriminatory impacts that hamper the ability of FNCFS Agencies to function effectively.

5. The AFN's motion is submitted in conjunction with the motions brought by the Co-Complainant, the First Nations Child & Family Caring Society of Canada (hereinafter "Caring Society"), and the Interested Parties, the Chiefs of Ontario ("COO") and the Nishnawbe Aski Nation ("NAN"). Although the focus of the AFN is on prevention, AFN supports the motions and positions of the other parties.

B. Complaint Substantiated

6. On January 26, 2016, the Panel substantiated the complaint in its decision, 2016 CHRT 2¹ (hereinafter the "Main Decision"), finding a *prima facie* case of discrimination was established against the Respondent, INAC. INAC was found to be discriminating against First Nations children and families living on-reserve and in the Yukon through its First Nations Child and Family Services Program (hereinafter the "FNCFS Program") and other related provincial/territorial agreements, by denying and/or differentiating adversely in the provision of child and family services, in violation of subsections 5(a) and 5(b) of the *Canadian Human Rights Act*^{2, 3}

C. The Panel's Main Findings

7. The Panel's main findings with regard to the need to reform and redesign the FNCFS Program in the short- and long-term were summarized at paragraphs 384 to 389 of the Main Decision:

[384] Under the FNCFS Program, Directive 20-1 has a number of shortcomings and creates incentives to remove children from their homes and communities. Mainly, Directive 20-1 makes assumptions based on population thresholds and children in care to fund the operations budgets of FNCFS Agencies. These assumptions ignore the real child welfare situation in many First Nations' communities on reserve.

¹ *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, 2016 CHRT 2. ["2016 CHRT 2" or "Main Decision"]

² *Canadian Human Rights Act*, RSC, 1985, c. H-6, ss. 5(a) and 5(b) ["CHRA"].

³ 2016 CHRT 2, paras 456-467.

Whereas operations budgets are fixed, maintenance budgets for taking children into care are reimbursable at cost. If an FNCFS Agency does not have the funds to provide services through its operations budget, often times the only way to provide the necessary child and family services is to bring the child into care. For small and remote agencies, the population thresholds of Directive 20-1 significantly reduce their operations budgets, affecting their ability to provide effective programming, respond to emergencies and, for some, put them in jeopardy of closing.

[385] Directive 20-1 has not been significantly updated since the mid-1990's resulting in underfunding for FNCFS agencies and inequities for First Nations children and families on reserves and in the Yukon. In addition, Directive 20-1 is not in line with current provincial child welfare legislation and standards promoting prevention and least disruptive measures for children and families. As a result, many First Nations children and their families are denied an equitable opportunity to remain with their families or to be reunited in a timely manner. In 2008, at the time of the Complaint, the vast majority of FNCFS Agencies across Canada functioned under Directive 20-1. At the conclusion of the hearing in 2014, Directive 20-1 was still applicable in three provinces and in the Yukon Territory.

[386] AANDC incorporated some of the same shortcomings of Directive 20-1 into the EPFA, such as the assumptions about children in care and population levels, along with the fixed streams of funding for operations and prevention. Despite being aware of these shortcomings in Directive 20-1 based on numerous reports, AANDC has not followed the recommendations in those reports and has perpetuated the main shortcoming of the FNCFS Program: the incentive to take children into care - to remove them from their families.

[387] Furthermore, like Directive 20-1, the EPFA has not been consistently updated in an effort to keep it current with the child welfare legislation and practices of the applicable provinces. Once EPFA is implemented, no adjustments to funding for inflation/cost of living or for changing service standards are applied to help address increased costs over time and to ensure that prevention-based investments more closely match the full continuum of child welfare services provided off reserve. In contrast, when AANDC funds the provinces directly, things such as inflation and other general costs increases are reimbursed, providing a closer link to the service standards of the applicable province/territory.

[388] In terms of ensuring reasonably comparable child and family services on reserve to the services provided off reserve, the FNCFS Program has a glaring flaw. While FNCFS Agencies are required to comply with provincial/territorial legislation and standards, the FNCFS Program funding authorities are not based on provincial/territorial legislation or service standards. Instead, they are based on funding levels and formulas that can be inconsistent with the applicable legislation and standards. They also fail to consider the actual service needs of First Nations children and families, which are often higher than those off reserve. Moreover, the way in which the funding formulas and the program authorities function prevents an effective comparison with the provincial systems. The provinces/territory often do not use funding formulas and the way they manage cost variables is often very different. Instead of modifying its system to effectively adapt it to the provincial/territorial systems in order to achieve reasonable comparability; AANDC maintains its funding formulas and incorporates the few variables it has managed to obtain from the provinces/territory, such as salaries, into those formulas.

[389] Given the current funding structure for the FNCFS Program is not adapted to provincial/territorial legislation and standards, it often creates funding deficiencies for such items as salaries and benefits, training, cost of living, legal costs, insurance premiums, travel, remoteness, multiple offices, capital infrastructure, culturally appropriate programs and services, band representatives, and least disruptive measures. It is difficult, if not impossible, for many FNCFS Agencies to comply with provincial/territorial child and family services legislation and standards without appropriate funding for these items; or, in the case of many small and remote agencies, to even provide child and family services. Effectively, the FNCFS funding formulas provide insufficient funding to many FNCFS Agencies to address the needs of their clientele. AANDC's funding methodology controls their ability to improve outcomes for children and families and to ensure reasonably comparable child and family services on and off reserve. Despite various reports and evaluations of the FNCFS Program identifying AANDC's "reasonable comparability" standard as being inadequately defined and measured, it still remains an unresolved issue for the program.⁴ (emphasis added)

8. In sum, the Panel's findings regarding prevention form part of the immediate relief, which

⁴ 2016 CHRT 2, paras 384-389.

over a year after the Panel's Main Decision, remains unfulfilled by INAC.

D. The Main Adverse Impacts

9. Also in the Main Decision, at paragraph 458, the Panel outlined in a non-exhaustive fashion the main adverse impacts it found in relation to the FNCFS Program and other related provincial/territorial agreements, which is also provided as declaratory relief.⁵

[458] AANDC's design, management and control of the FNCFS Program, along with its corresponding funding formulas and the other related provincial/territorial agreements have resulted in denials of services and created various adverse impacts for many First Nations children and families living on reserves. Non-exhaustively, the main adverse impacts found by the Panel are:

- The design and application of the Directive 20-1 funding formula, which provides funding based on flawed assumptions about children in care and population thresholds that do not accurately reflect the service needs of many on-reserve communities. This results in inadequate fixed funding for operation (capital costs, multiple offices, cost of living adjustment, staff salaries and benefits, training, legal, remoteness and travel) and prevention costs (primary, secondary and tertiary services to maintain children safely in their family homes), hindering the ability of FNCFS Agencies to provide provincially/territorially mandated child welfare services, let alone culturally appropriate services to First Nations children and families and, providing an incentive to bring children into care because eligible maintenance expenditures are reimbursable at cost;
- The current structure and implementation of the EPFA funding formula, which perpetuates the incentives to remove children from their homes and incorporates the flawed assumptions of Directive 20-1 in determining funding for operations and prevention, and perpetuating the adverse impacts of Directive 20-1 in many on-reserve communities;
- The failure to adjust Directive 20-1 funding levels, since 1995; along with

⁵ 2016 CHRT 2, paras 473.

funding levels under the EPFA, since its implementation, to account for inflation/cost of living;

- The application of the 1965 Agreement in Ontario that has not been updated to ensure on-reserve communities can comply fully with Ontario's Child and Family Services Act;
- The failure to coordinate the FNCFS Program and other related provincial/territorial agreements with other federal departments and government programs and services for First Nations on reserve, resulting in service gaps, delays and denials for First Nations children and families;
- The narrow definition and inadequate implementation of Jordan's Principle, resulting in service gaps, delays and denials for First Nations children.⁶ (emphasis added)

10. In cross-examination, Cassandra Lang testified that adverse effects against First Nations children and families on-reserve and in the Yukon continue despite the Panel's order for immediate relief that these adverse effects be addressed according to its findings.⁷

E. The Panel's Remedial Orders

11. The complaint against INAC was substantiated which allowed the Panel to make an order against INAC pursuant to subsection 53(2) of the CHRA. The Panel's remedial orders are found in the Main Decision at paragraphs 468 to 494. To summarize, the Panel made findings of discrimination, ordered immediate relief, and retained jurisdiction over the matter until all remedial orders were fully implemented.

F. Immediate Relief

12. The AFN's motion is primarily focused on the Panel's remedial orders regarding immediate relief. At paragraph 481 in Main Decision, the Panel issued the following remedial order

⁶ 2016 CHRT 2, para 458.

⁷ Transcript of the Cross-Examination of Cassandra Lang, pg 98 (Line 9) to pg 101 (Line 21).

regarding immediate relief:

[481] AANDC is ordered to cease its discriminatory practices and reform the FNCFS Program and 1965 Agreement to reflect the findings in this decision. AANDC is also ordered to cease applying its narrow definition of Jordan's Principle and to take measures to immediately implement the full meaning and scope of Jordan's principle.⁸ (Panel's emphasis)

13. The Panel's remedial orders for immediate relief are clear and require INAC to cease its discriminatory funding practices regarding preventative measures. These important legal obligations and undertakings rest entirely with INAC, whose ongoing failure to sufficiently fund preventative measures have already found by the Panel to be discriminatory. Further, Cassandra Lang, Director of Children and Families in the Children and Families Branch of INAC,⁹ testified that INAC considers itself bound by the Tribunal's decision.¹⁰ Additionally, in cross-examination, Cassandra Lang admitted there is nothing stopping INAC from complying with the Panel's immediate relief orders. However, she said that before INAC fully complies it wishes to gather information that already exists in the several reports currently before the Panel. In this way, INAC appears to be duplicating what has already been done.¹¹

G. Updated Order

14. On April 26, 2016, approximately three months after the Main Decision, the Panel issued its subsequent decision, 2016 CHRT 10¹², updating its orders from the Main Decision. The updated order is found in 2016 CHRT 10 at paragraphs 10-37.

⁸ 2016 CHRT 2, para 481. (Panel's emphasis)

⁹ Transcript of the Cross-Examination of Cassandra Lang, pg 3, Line 1-3.

¹⁰ Transcript of the Cross-Examination of Cassandra Lang, pg 335, Line 2-8.

¹¹ Transcript of the Cross-Examination of Cassandra Lang, pg 105 (Line 1) to pg 117 (Line 18).

¹² *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, 2016 CHRT 10. ["2016 CHRT 10"]

H. Update to Remedial Order

15. On September 14, 2016, the Panel updated its remedial orders against INAC in its decision 2016 CHRT 16.¹³ At paragraphs 157-161, the Panel's update to its remedial order included additional immediate measures to be taken, additional reporting, and additional information to be provided by INAC to the Complainants, Interested Parties and the Commission, as well as the Panel's continued jurisdiction over the remedies in this matter.

I. The Panel's concern about funding determinations

16. In 2016 CHRT 16, the Panel wrote the following about INAC funding the FNCFS Program at paragraph 33:

[33] That is, the Panel analyzing is not concerned with the specific amount of funding per se, but rather the way in which it is determined. It is the way in which the FNCFS Program is delivered and funding is determined that results in discriminatory effects for First Nations children and families. The Panel's focus is on whether funding is being determined based on an evaluation of the distinct needs and circumstances of First Nations children and families and their communities. While other key factors come into play in determining whether the amount of funding provided to FNCFS Agencies is adequate to address the needs of the communities they serve, such as remoteness and the extent of travel to meet children and families (which will be addressed later in this ruling), the assumptions about the number of children in care, the number of families in need of services and population levels are the starting point for addressing the discriminatory impacts of INAC's funding formulas.¹⁴ (emphasis added)

J. The Panel's Concern about INAC's Submissions regarding its Remedial Orders

17. In 2016 CHRT 16, the Panel wrote the following about INAC's submissions at paragraph 29:

[29] ...The Panel is concerned to read in INAC's submissions much of the same type

¹³ *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada (representing the Minister of Indian and Northern Affairs Canada)*, 2016 CHRT 16. ["2016 CHRT 16"]

¹⁴ 2016 CHRT 16, para 33.

of statements and reasoning that it has seen from the organization in the past. For example, that it is up to each FNCFS Agency to determine how they allocate their funding for such things as prevention and cultural programming (see Decision at paras. 187-189, 311, 313 and 314). This prompts the same question as at the time of the hearing: what if funding is not sufficient to allow for that flexibility? How has INAC determined that each agency has sufficient funding to comply with provincial child welfare standards and is still able to deliver necessary prevention and cultural services? The fact that key items, such as determining funding for remote and small agencies, were deferred to later is reflective of INAC's old mindset that spurred this complaint. This may imply that INAC is still informed by information and policies that fall within this old mindset and that led to discrimination.¹⁵ (emphasis added)

K. INAC's Piecemeal Approach to Reform is not an Effective Way to Proceed

18. In 2016 CHRT 16, the Panel wrote the following at paragraph 34 regarding piecemeal reform not being an effective way to proceed:

[34] Therefore, leaving some of the assumptions and flaws in the funding formulas for long term reform to ensure everyone is consulted may be problematic. As said in the Decision, a piecemeal approach to reform is not an effective way to proceed (see Decision at paras. 185 and 331). While the Panel understands that INAC is determined to reform the entire FNCFS Program and believes it intends to do so, it is concerned that deferring immediate action in favour of consultation and reform at a later date will perpetuate the discrimination the FNCFS Program has fostered for the past 15 years. Over that time, despite well documented problems with the program and consultations with its partners and at tripartite tables, INAC's system has failed to adapt to the needs of First Nations children and families (for example, see Decision at paras. 134, 138-141, 203, 311, 314-315, 383-394 and 456-467). The Panel understands this is no easy task and that the FNCFS Program cannot be reformed in an instant. However, this does not mean that effective measures cannot be implemented in the meantime. The Panel also agrees with the parties that a one-size-fits-all type of approach is not to be used; this was also addressed in the Decision (see para. 315).¹⁶ (Panel's emphasis, "believes it intends to do so")

¹⁵ *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada (representing the Minister of Indian and Northern Affairs)*, 2016 CHRT 16, para 29. ("2016 CHRT 16")

¹⁶ 2016 CHRT 16, para 34.

(emphasis added)

L. The AFN's Charter, Mandate and Resolutions

19. The AFN was established pursuant to and operates under a Charter. The AFN is a national delegated forum for the purpose of advancing the aspirations of First Nations. The AFN's actions are made pursuant to these principal objects, and are intended to further these principal objects.¹⁷
20. The AFN derives authority from specific mandates provided through resolutions from the First Nations Chiefs-in-Assembly, a governing body within the AFN structure. The resolutions process serves to effectively foster and capture national consensus on significant policy matters. Resolutions are considered at the Annual General Assembly or at the Special Chiefs Assembly.¹⁸
21. As set out in the Affidavit of Jonathan Thompson (affirmed December 20, 2016), the AFN filed the human rights complaint alongside the Caring Society against INAC pursuant to the authority granted under Resolution No. 53/2006 (dated December 2006).¹⁹
22. Following the Tribunal's Main Decision, at the AFN's Annual Assembly held in July 2016, the Chiefs-in-Assembly discussed INAC's lack of progress in implementing the remedies as ordered in the Main Decision. Further, the Assembly passed Resolution No. 62/2016, which calls upon INAC and the Government of Canada to (i) take immediate and concrete actions to implement and honour the Tribunal's findings in its decision, 2016 CHRT 2, (ii) to honour all subsequent Remedial Orders, and (iii) to implement Jordan's Principle across all First Nations and all Federal Government services.²⁰ Resolution No. 62/2016 also calls upon the INAC and the Government of Canada to honour its commitment to fully

¹⁷ Affidavit of Jonathan Thompson (affirmed December 20, 2016), para 5, referring to Exhibit "A".

¹⁸ Affidavit of Jonathan Thompson (affirmed December 20, 2016), para 7.

¹⁹ Affidavit of Jonathan Thompson (affirmed December 20, 2016), para 8, referring to Exhibit "B".

²⁰ Affidavit of Jonathan Thompson (affirmed December 20, 2016), para 9.

implement the Truth and Reconciliation Commission of Canada's Calls to Action respecting "Child Welfare".²¹

23. Resolution 62/2016 (at paragraph G) also states Canada's unilateral actions with respect to budget allotments for First Nations child and family services and Jordan's Principle were without meaningful consultation, are inconsistent with the United Nations *Convention on the Rights of the Child*²² and articles of the *United Nations Declaration on the Rights of Indigenous Peoples*^{23, 24}
24. Later, in December 2016, the AFN's Special Chiefs' Assembly passed another Resolution. Resolution No. 83/2016 addressed the deep concern by all First Nations across Canada over Canada's failure to immediately and fully comply with the Tribunal's Main Decision and subsequent remedial orders.²⁵

M. The National Advisory Committee

25. Resolution No. 83/2016 affirms the National Advisory Committee (hereinafter "NAC") and associated Regional Tables proposed by the AFN and the Caring Society to be the legitimate process to provide advice to the Chiefs-in-Assembly and Government of Canada on the reformation of the FNCFS Program and implementation of Jordan's Principle.²⁶
26. The Terms of Reference for the NAC was approved by the Minister of INAC on January 17, 2017. The first meeting of the NAC was held on January 24 and 25, 2017.²⁷

²¹ Affidavit of Jonathan Thompson (affirmed December 20, 2016), para 10, referring to Exhibit "C".

²² *Convention on the Rights of the Child*, Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989, entry into force 2 September 1990, in accordance with article 49.

²³ UN General Assembly, United Nations Declaration on the Rights of Indigenous Peoples: resolution/adopted by the General Assembly, 2 October 2007, A/RES/61/295, Articles 2 and 22(2).

²⁴ Affidavit of Jonathan Thompson (affirmed December 20, 2016), para 12, referring to Exhibit "D".

²⁵ Affidavit of Jonathan Thompson (affirmed December 20, 2016), para 14.

²⁶ Affidavit of Jonathan Thompson (affirmed December 20, 2016), para 12, referring to Exhibit "E".

²⁷ Reply Affidavit of Jonathan Thompson (affirmed January 30, 2017), para 4. See also, Affidavit of Cassandra

27. Apart for the negotiations of the Terms of Reference, the AFN has not been meaningfully engaged by INAC regarding proposed reforms to the FNCFS Program. For instance, the AFN was not consulted on INAC's October 28, 2016 questionnaire²⁸ regarding the needs assessments of FNCFS Agencies. The AFN is critical of the questionnaire as being limited in scope and not reflective of the range of shortfalls the Panel ruled on in the January, 2016 ruling.²⁹

N. The Minister's Special Representative

28. On October 27, 2016, Minister Carolyn Bennett appointed a Minister's Special Representative (hereinafter "MSR") on First Nations Child Welfare. The AFN was not consulted on the appointment of the MSR. The MSR also excludes the NAC and the other co-complainant, the Caring Society, by attempting to engage First Nations on the issue of child welfare without a Terms of Reference or Accountability Framework in place, and is part of an ongoing pattern of non-consultation and unilateral decision-making from INAC.³⁰
29. INAC attempts to justify its diminished funding levels and the pace for augmenting funding levels to eliminate discrimination by saying that First Nations and FNCFS Agencies are not ready. This excuse by INAC to justify diminished funding levels is unsupported by Ms. Lang's testimony regarding INAC's lack of funding of Band Representatives. Ms. Lang, when asked could not provide a response to why INAC has chosen not to provide Band Representative funding to First Nations who have clearly demonstrated that they have the capacity to provide these services and have even self-funded these services.³¹

Lang (affirmed January 25, 2017), para 30, referring to Exhibit "5". See also, Transcript of the Cross-Examination of Robin Buckland, pg 132, Line 8-17.

²⁸ Affidavit of Cassandra Lang (affirmed January 25, 2017), para 7, referring to Exhibit "3".

²⁹ Reply Affidavit of Jonathan Thompson (affirmed January 30, 2017), para 5, referring to Exhibit "A". See also, Transcript of the Cross-Examination of Cassandra Lang, pg 327 (Line 21) to pg 332 (Line 17).

³⁰ Affidavit of Jonathan Thompson (affirmed December 20, 2016), para 25.

³¹ Transcript of the Cross-Examination of Robin Buckland, pg 22, Line 9.

30. Furthermore, First Nations were critical of the MSR likening allotting child welfare funds to “throwing confetti in the air”.³² The AFN is critical of INAC’s piecemeal approach to reforming the FNCFS Program, and that INAC’s approach will only perpetuate the discrimination and is paternalistic. It is similar to Canada’s previous approach to reform child welfare, namely, the Enhanced Prevention Focused Approach (EPFA), which was a piecemeal approach, insisting on negotiating regional agreements while intentionally avoiding sharing of information nationally resulting in ongoing discrimination against First Nations children and families in the provision of child welfare services. The exclusion of the NAC will result in the same outcomes and delays in the complete overhaul of the FNCFS Program.³³
31. The Statement of Work³⁴ relating to the MSR appears to be overly broad, for instance, at paragraph 4.1.2, the MSR is to be a member of the NAC and undertake work to support the committee. At this point, the MSR is not a member of the NAC, and the Terms of Reference of the committee does not contemplate her involvement in any of its work.³⁵
32. In addition, the AFN has not been involved in any of INAC’s regional engagement activities. On October 27, 2017, the MSR³⁶ was appointed and has participated in a number of meetings since that date. The scope and nature of these regional discussions is presently unknown to staff at the AFN.³⁷
33. A letter was sent to the Minister of INAC, the Honorable Carolyn Bennett, from Treaty 8 on January 26, 2017 pointing out that they do not support the process taken to address

³² CBC News, *Liberals will support motion demanding action on First Nations child welfare*, by John Paul Tasker, October 31, 2016, online: <http://www.cbc.ca/news/politics/ndp-motion-first-nations-child-welfare-1.3829161>.

³³ Affidavit of Jonathan Thompson (affirmed December 20, 2016), para 26.

³⁴ Affidavit of Cassandra Lang (affirmed January 25, 2017), para 15, referring to Exhibit “4”.

³⁵ Reply Affidavit of Jonathan Thompson (affirmed January 30, 2017), para 8.

³⁶ Affidavit of Cassandra Lang (affirmed January 25, 2017), paras 12-19.

³⁷ Reply Affidavit of Jonathan Thompson (affirmed January 30, 2017), para 6.

the CHRT Ruling which addressed discriminatory funding for First Nations children on reserve. This letter highlighted that the engagement process will need to respect First Nations cultural processes. This letter reminds the Minister that the CHRT Ruling “...demonstrate the inequalities that have existed for our children and families in terms of funding...”³⁸

34. Further, the Yorkton Tribal Council Child and Family Services Inc. (YTCCFS) has had no dealings, discussions, etc. with the MSR. However, the agency is being forced to meet with the MSR despite the agency’s (and other agencies) lack of confidence in the MSR’s mandate and ability to affect the required reform to eliminate the discrimination. There are no documents available regarding the MSR, as nothing has been provided to the agencies, other than INAC’s instructions that agency Directors will be meeting with the MSR during the week of February 28 – March 2, 2017.³⁹

O. AFN’s Efforts to Engage with INAC regarding Immediate Relief

35. On February 25, 2016, shortly after the Tribunal’s Main Decision, National Chief Perry Bellegarde addressed a letter to Minister Carolyn Bennett, Indigenous and Northern Affairs Canada, on behalf of the AFN. The letter sought INAC’s confirmation that it would not judicially review the Tribunal’s Main Decision. The letter also expressed the AFN’s concern that “no efforts or program changes have been made to date to end the discriminatory practices by your department”. The correspondence expressed the AFN’s willingness to assist INAC in identifying the immediate relief that could be implemented in compliance with the Tribunal’s order without delay.⁴⁰
36. On March 1, 2016, Minister Bennett responded in writing to National Chief Bellegarde confirming that INAC accepts the Tribunal’s Main Decision, its findings, and conclusion

³⁸ Reply Affidavit of Jonathan Thompson (affirmed January 30, 2017), para 7, referring to Exhibit “B”.

³⁹ Reply Affidavit of Raymond Shingoose (affirmed January 30, 2017), para 10.

⁴⁰ Affidavit of Jonathan Thompson (affirmed December 20, 2016), para 16, referring to Exhibit “F”.

regarding the inadequacy of the FNCFS Program, and would not be filing for judicial review. Minister Bennett also expressed that meaningful program reform requires working in partnership with agencies and front-line service providers, First Nations communities, organizations and leadership, as well as other federal departments and provinces and territories. More specifically, Minister Bennett said the following:

“Action cannot be taken unilaterally on matters like the 1965 Ontario Welfare Agreement, and given the changes to Jordan’s Principle will have an impact beyond the immediate parties, engagement with a wide range of stakeholders must be pursued. I have asked my officials to start this engagement work right away by reconstituting, with you and other parties, the National Advisory Committee and Regional Tables. Department officials will reach out to you to organize a meeting in the coming days to initiate this dialogue and begin configuring the Committee to include provincial and territorial representation and to add new members as needed”.⁴¹

37. In a letter dated March 15, 2016, Paula Isaak, Assistant Deputy Minister, Education and Social Development Programs and Partnerships, INAC, confirmed that Canada accepts the Tribunal’s Main Decision and is ready to move forward to make immediate and long-term changes to child welfare on reserve. Assistant Deputy Minister Isaak wrote that Minister Bennett’s earlier correspondence was reinforced by Canada’s subsequent submissions to the Tribunal on March 10, 2016, which committed Canada to the immediate re-establishment of the NAC and further proposed the Committee be co-chaired with the AFN.⁴²
38. The purpose of Assistant Deputy Minister Isaak’s letter was to confirm the AFN’s ongoing interest in re-establishing the NAC and to invite the AFN to an initial meeting. Since May 2016, the AFN has been engaged with INAC (along with the Caring Society) for the re-establishment of the NAC, including negotiating the Terms of Reference for the NAC.

⁴¹ Affidavit of Jonathan Thompson (affirmed December 20, 2016), para 17, referring to Exhibit “G”.

⁴² Affidavit of Jonathan Thompson (affirmed December 20, 2016), para 18, referring to Exhibit “H”.

Negotiations have been slow, due primarily to INAC's intransigence on several key items, which have become problematic:

- The number of First Nations representatives on the NAC
- The inclusion of Provincial/Territorial representatives on the NAC
- The number of Federal Representatives on the NAC
- The Chair of the NAC⁴³

39. Among the key outstanding issues to be resolved is the appointment of the Chair of the NAC. Input from First Nations experts was always to include Regional Tables, inclusive of First Nations child welfare experts, that would engage in a structured dialogue the information form which would then be transferred to the National Table to ensure a national response to ending a national issue, the discrimination against First Nations children. INAC's regional approach, and its ignoring of its commitments to enable the expertise of the NAC, is inconsistent with previous practices.⁴⁴

40. Robin Buckland, Executive Director at the Office of Primary Health Care within Health Canada's First Nations Inuit Health Branch,⁴⁵ testified that Health Canada (like INAC) adopts a regional approach to Jordan's Principle cases. Each region approached Jordan's Principle, which is a policy initiative, which is not necessarily in conformity with one another, for example, by designating a particular case as a Jordan's Principle, where a similar case in a different region may not be designated a Jordan's Principle case.⁴⁶

⁴³ Affidavit of Jonathan Thompson (affirmed December 20, 2016), para 19.

⁴⁴ Affidavit of Jonathan Thompson (affirmed December 20, 2016), para 20. See also, Transcript of the Cross-Examination of Robin Buckland, pg 130, Line 20-21.

⁴⁵ Transcript of the Cross-Examination of Robin Buckland, pg 2, Line 21-23.

⁴⁶ Transcript of the Cross-Examination of Robin Buckland, pg 274, Line 7-15.

P. Unilateral Consultations with FNCFS Agencies are Ineffective

41. INAC and Health Canada are engaged in consultations with First Nations Child and Family Services Agencies (“FNCFS Agencies”) about reforming the FNCFS Program. Unfortunately, the AFN has been excluded from these consultations, and was not asked to review any consultation material. Inexplicably, INAC and Health Canada decided to unilaterally exclude both co-complainants, the AFN and Caring Society, in these consultations, despite both parties being national organizations that represent First Nations and FNCFS Agencies across Canada, respectively.⁴⁷
42. INAC’s decision to not include the AFN or Caring Society hinders INAC’s ability to effectively implement the Tribunal’s Main Decision and remedial orders, and facilitates the ongoing discrimination against First Nations children.⁴⁸
43. In correspondence dated October 28, 2016 from Margaret Buist, Director General, INAC, to all FNCFS Agencies across Canada, engaged consultations and included a questionnaire⁴⁹ that sought to acquire information from agencies about their respective needs and circumstances to inform INAC’s thinking on new funding approaches. The letter also offers a one-time funding opportunity.⁵⁰
44. This letter attempts to reform the FNCFS Program, using information gathered from the questionnaire where excluding the involvement of the NAC on First Nations Child Welfare, the Complainants, and is absent any identifiable research methodology that could properly inform the necessary changes to funding.⁵¹

⁴⁷ Affidavit of Jonathan Thompson (affirmed December 20, 2016), para 21. See also, Transcript of the Cross-Examination of Robin Buckland, pg 130, Line 12-24.

⁴⁸ Affidavit of Jonathan Thompson (affirmed December 20, 2016), para 22.

⁴⁹ Affidavit of Cassandra Lang (affirmed January 25, 2017), para 7, referring to Exhibit “3”.

⁵⁰ Affidavit of Jonathan Thompson (affirmed December 20, 2016), para 23, referring to Exhibit “I”.

⁵¹ Affidavit of Jonathan Thompson (affirmed December 20, 2016), para 24.

Q. INAC's Funding not in Compliance with Panel's Remedial Orders

45. While it is difficult to provide a comprehensive picture of the situation of FNCFS Agencies after the Main Decision, Mr. Shingoose's affidavit summarizes the impacts of INAC's non-compliance on one FNCFS Agency.
46. For example, Mr. Shingoose states that in regard to the YTCCFS, which is a child welfare agency that delivers a full range of child and family services in the Province of Saskatchewan,⁵² the total funding received from INAC to YTCCFS for the 2016-17 fiscal year is \$9 million: \$4M for operations, \$3.1M allocated for maintenance, with only \$1.5M for prevention.⁵³
47. In 2014/15, YTCCFS incurred a cumulative deficit of \$840,977 which then triggered a response from INAC. In its response, INAC reminded YTCCFS that for the past three fiscal years the financial indicators have been trending negatively and suggested the agency implement the necessary action to address the negative financial trend and the sustainability ratio calculations was deemed to be unfavourable.⁵⁴
48. In 2015/2016, the agency with the assistance of an external independent consultant conducted a financial review to address the deficit situation and the financial sustainability of the organization. From this review, the recommendation to downsize without impacting or jeopardizing service delivery was implemented during the latter part of the 2015/16 fiscal year. The implementation of the recommendations streamlined operational processes that aligned with INAC's inadequate costing formula/Directive 20-1 funding allocations.⁵⁵ Cassandra Lang testified that Directive 20-1 still applies to this day, and that

⁵² Affidavit of Raymond Shingoose (affirmed December 20, 2016), para 1.

⁵³ Affidavit of Raymond Shingoose (affirmed December 20, 2016), para 19, referring to Exhibit "A".

⁵⁴ Affidavit of Raymond Shingoose (affirmed December 20, 2016), para 20, referring to Exhibits "B" and "C".

⁵⁵ Affidavit of Raymond Shingoose (affirmed December 20, 2016), para 21.

maintenance (rather than prevention) is still reimbursed at cost.⁵⁶

49. At the end of the 2015/16 fiscal year, YTCCFS incurred a \$1,206,570 deficit prompting the agency to fully implement the financial review recommendations immediately April 1, 2016. Since then, YTCCFS has been encountering challenges specifically relating to reduced human and financial resources but making best efforts to manage and maintain quality of care standards, and to comply with provincial legislation.⁵⁷
50. In May 2016, after the Tribunal's Main Decision, INAC provided \$973,054 in funds (hereinafter the "CHRT Funds" or "CHRT Funding") which prompted YTCCFS to develop a new five-year plan to address the past discrimination practices and the existing \$1.2M cumulative deficit. While this additional funding is welcome, it is grossly inadequate to meet both YTCCFS' immediate needs, particularly in prevention services, but also its accumulated needs, and the needs related to Jordan's Principle.⁵⁸
51. The YTCCFS was not included nor privy to the discussion(s) that created the "national methodology" referred to in the Affidavit of Cassandra Lang.⁵⁹ The YTCCFS does not know what the intention or expectation is for the national methodology, nor how it was developed. Outside of Ms. Lang's affidavit, the YTCCFS has received no information at all about the national methodology.⁶⁰ Robin Buckland testified that it makes logical sense to include FNCFS Agencies in these discussions.⁶¹ However, Mr. Shingoose states that this is not occurring.⁶²
52. The YTCCFS assesses its actual needs based on sixteen First Nations who are currently and

⁵⁶ Transcript of the Cross-Examination of Cassandra Lang, pg 308 (Line 21) to pg 310 (Line 15).

⁵⁷ Affidavit of Raymond Shingoose (affirmed December 20, 2016), para 22.

⁵⁸ Affidavit of Raymond Shingoose (affirmed December 20, 2016), para 23.

⁵⁹ Affidavit of Cassandra Lang (affirmed January 25, 2017), para 34.

⁶⁰ Reply Affidavit of Raymond Shingoose (affirmed January 30, 2017), para 4.

⁶¹ Transcript of the Cross-Examination of Robin Buckland, pg 296 Line 2-7.

⁶² Reply Affidavit of Raymond Shingoose (affirmed January 30, 2017), para 4.

continue to lack services in prevention, and also in health and education needs, despite the information provided in the Affidavit of Cassandra Lang^{63, 64}

53. The YTCCFS does not understand INAC's rationale in its calculating the estimate of \$973,054 for this fiscal year,⁶⁵ and its estimates for the next four years, and how those amounts are expected to meet the needs of YTCCFS. It is apparent that INAC's rationale (which should be addressing actual need) lacks an evidentiary basis. Rather, based on the Daily Living Assessment Service Tool used to identify the gaps, a child needs to be in care at an average of \$2,500/case, thus the YTCCFS estimates a \$1,320,000 million-dollar shortfall (not \$973,054). This figure is calculated by multiplying the number of Jordan's Principle cases in the YTCCFS, which is forty-four (44), by 12 months, which totals \$1,320,000 and is a figure better reflective of the actual needs of the YTCCFS, based on information directly from the agency.⁶⁶
54. Further, the YTCCFS has accumulated a \$1.2 million-dollar deficit over the last 8-years because of prevention costs because the agency could only meet a fraction of the primary and secondary needs, excluding tertiary services, which has always been a challenge for the YTCCFS to fund these services, especially in mental health.⁶⁷
55. For example, the \$973,054 does not even begin to address the YTCCFS' prevention needs, all it really does is address the YTCCFS' accumulated \$1.2 million-dollar deficit. The INAC costing formula required us to downsize to 11 positions in prevention when we actually need 20 positions to meet the YTCCFS' communities' needs. The immediate funding is supposed to relieve the pressure we are experiencing but from the information that is circulating, and based on the Affidavit of Cassandra Lang, it appears such immediate

⁶³ Affidavit of Cassandra Lang (affirmed January 25, 2017), para 34.

⁶⁴ Reply Affidavit of Raymond Shingoose (affirmed January 30, 2017), para 5.

⁶⁵ Affidavit of Cassandra Lang (affirmed January 25, 2017), para 34.

⁶⁶ Reply Affidavit of Raymond Shingoose (affirmed January 30, 2017), para 6.

⁶⁷ Reply Affidavit of Raymond Shingoose (affirmed January 30, 2017), para 7.

funding is not on the horizon and that a continuation of the status quo will persist, which means the discrimination will persist.⁶⁸

56. INAC does not provide for special needs. Rather, special needs are deducted from maintenance and applied to the Children's Special Allowance (which is associated with the Family Allowance). The Children's Special Allowance is supposed to be used to fund cultural, recreation, etc. but due to funding shortfalls the allowance is used to fund maintenance. INAC should be paying this bill as the first service provider (and if necessary, then Health Canada).⁶⁹

R. Funding not in Compliance with Tribunal's Remedial Orders regarding Jordan's Principle

57. Exhibit B of the Affidavit of Robin Buckland⁷⁰ provides that the Government of Canada announced a commitment of up to \$382 million in new funding for Jordan's Principle. However, only \$11,460,737.91 has been spent on Jordan's Principle cases.⁷¹
58. The AFN's participation on Health Canada's Jordan's Principle activities was limited. On December 12, 2016, the AFN wrote to Sony Perron, Senior Assistant Deputy Minister, Health Canada, to express the AFN's concerns regarding the lack of AFN's involvement in this area. AFN's Chief Executive Officer pointed out that "In relation to continued good relationship, I was encouraged to be informed about the AFN FNHIB Engagement Protocol. has been important resource and plan to reflect on its objectives as we develop other partnerships for improved health policy..." The letter also emphasizes that "...In regards to the application of the application of the engagement protocol and the implementation of Jordan's principle, there is concern that parts of the relationship were overlooked....

⁶⁸ Reply Affidavit of Raymond Shingoose (affirmed January 30, 2017), para 8.

⁶⁹ Reply Affidavit of Raymond Shingoose (affirmed January 30, 2017), para 9.

⁷⁰ Affidavit of Robin Buckland (affirmed January 25, 2017), para 10, referring to Exhibit "B".

⁷¹ Reply Affidavit of Jonathan Thompson (affirmed January 30, 2017), para 10, referring to Exhibit "C".

ignored the AFN Engagement Protocol”.⁷² Robin Buckland confirms that Health Canada has chosen not to involve the AFN in the area of Jordan’s Principle at this stage of its development, but that in the long-term the AFN may be more involved.⁷³

59. On December 30, 2016, the AFN received a response from Health Canada acknowledging the shortfall. Health Canada invited the AFN to co-chair a working group on Jordan’s principle, which the AFN accepted.⁷⁴
60. INAC and Health Canada continue to not comply with the Tribunal’s orders as a first service provider since funding is a service. As a result of the Tribunal’s remedial orders, the YTCCFS expects INAC/Health Canada to pay for the bills directly related to mental health and special needs that require medical attention, such as orthodontic needs and medicines that are deemed not insurable, and special formula required for new born infants. According to the Reply Affidavit of Raymond Shingoose (affirmed January 30, 2017), the cases referred to in his earlier affidavit (affirmed December 20, 2016) would meet their requirements, and INAC as a first service provider should pay these costs and then can seek reimbursement from Health Canada afterward.⁷⁵
61. Robin Buckland testified that the services provided by Jordan’s Principle should address “gaps” in the services provided through federal funding. However, her evidence shows that Jordan’s Principle is not covering the gaps in federal funding. For example, Ms. Buckland testified as to her awareness of Dewey Pruden, a child with significant handicaps and needs and a Jordan’s Principle case in Manitoba. Dewey Pruden is receiving services that Ms. Buckland testified fall under Jordan’s Principle, however Dewey Pruden is also the

⁷² Reply Affidavit of Jonathan Thompson (affirmed January 30, 2017), para 11, referring to Exhibit “D” and Exhibit “E”. See also, Transcript of the Cross-Examination of Robin Buckland, pg 101, Line 10-19, and pg 102, Line 2-18.

⁷³ Transcript of the Cross-Examination of Robin Buckland, pg 298, Line 2-23.

⁷⁴ Reply Affidavit of Jonathan Thompson (affirmed January 30, 2017), para 12, referring to Exhibit “F”.

⁷⁵ Reply Affidavit of Raymond Shingoose (affirmed January 30, 2017), para 12.

complainant in a current human rights complaint against Health Canada programming, specifically its Home and Community Care Program and its Non-Insured Health Benefits Program. Another complainant is involved by the name “Taylor”. These complainants are not receiving the services they require, the need, and thus Jordan’s Principle is not fulfilling its roles vis-à-vis the gaps in federal funding.⁷⁶

62. Robin Buckland testified that her knowledge of the “gaps” is limited, in particular in regard to the Non-Insured Health Benefits offered through Health Canada.⁷⁷ Ms. Buckland testified that “gaps” continue to exist in health services to First Nations children, specifically with mental health, and that change within Health Canada and other departments to address the “gaps” has been slow.⁷⁸ Ms. Buckland testified that while “gaps” in mental health have been identified, coordination with regard to addressing the gaps between Health Canada and INAC has not occurred. Ms. Buckland testified that she has not “sat down with INAC and discussed the mental health gaps”.⁷⁹ Ms. Buckland identified some of the gaps as including physiotherapy⁸⁰ and travel costs⁸¹. For its part, INAC acknowledges that since the Tribunal’s decision there has been no concerted effort to address children’s mental health issues, beyond engaging with their partners. When asked how much time it would take to develop internally an understanding of what the gaps are for children with mental health needs in Ontario, Ms. Cassandra Lang could not give a definitive deadline.⁸²

63. Ms. Buckland also testified that the definition of Jordan’s Principle in the past was “quite narrow”. In fact, Ms. Buckland could not with certainty say whether regional executives

⁷⁶ Transcript of the Cross-Examination of Robin Buckland, pgs 266 (line 8) to pg 271 (Line 9).

⁷⁷ Transcript of the Cross-Examination of Robin Buckland, pg 280, Line 10-15.

⁷⁸ Transcript of the Cross-Examination of Robin Buckland, pg 284, Line 16-19.

⁷⁹ Transcript of the Cross-Examination of Robin Buckland, pg 218, Line 25-26.

⁸⁰ Transcript of the Cross-Examination of Robin Buckland, pg 288, Line 22.

⁸¹ Transcript of the Cross-Examination of Robin Buckland, pg 291, Line 1-6.

⁸² Transcript of the Cross-Examination of Cassandra Lang, pg 284, Line 5-7.

had advised their partners that the definition of Jordan's Principle is more expansive than how INAC and Health Canada had initially chosen to define it.⁸³ Ms. Buckland admitted that despite recent efforts to broaden the definition, Health Canada has chosen not to go back to past potential Jordan's Principle cases that, if submitted for approval now, would fit within the broadened definition.⁸⁴

64. As stated in the Reply Affidavit of Raymond Shingoose, the YTCCFS is not aware of any Advisory Committee regarding Jordan's Principle, more importantly, however, even if the YTCCFS was aware, the agency doesn't have the funding to perform the navigation that INAC is suggesting.⁸⁵ Also, the YTCCFS is not aware of the Enhanced Service Coordination approach referred to in the Affidavit of Robin Buckland^{86, 87}

S. Prevention Services

65. Mr. Shingoose notes that primary and secondary community based prevention services are developed by the staff and the prevention committees and delivered by the 9.5 staff to children/youth, parents, families and/or community events. Elders and cultural teachings are also incorporated into the events/activities. Only one tertiary program/counseling service is offered in one of the sixteen communities.⁸⁸
66. The CHRT funding has been allocated for the following tertiary services/staff positions: Cultural Coordinator \$70,000, Mental Health: Protection/Prevention: \$145,000, Wellness Worker/Addictions: \$70,000, Child First Research \$100,000, Core Curriculum \$60,000,

⁸³ Transcript of the Cross-Examination of Robin Buckland, pg 55, Line 2-10.

⁸⁴ Transcript of the Cross-Examination of Robin Buckland, pgs 285 (Line 20) to pg 286 (Line 10).

⁸⁵ Reply Affidavit of Raymond Shingoose (affirmed January 30, 2017), para 13.

⁸⁶ Affidavit of Robin Buckland (affirmed January 25, 2017), para 7, 12-16, referring to Exhibit "B".

⁸⁷ Reply Affidavit of Raymond Shingoose (affirmed January 30, 2017), para 14.

⁸⁸ Affidavit of Raymond Shingoose (affirmed December 20, 2016), para 24, referring to Exhibit "D". See also, Transcript of the Cross-Examination of Robin Buckland pg 294 (Line 16) to pg 295 (Line 11).

Elders Advisory, \$25,000, Debt \$124,000.⁸⁹

67. A list of prevention programs offered by the provincial agency that YTCCFS cannot offer due to budget shortfalls is available at paragraph 26 in the Affidavit of Raymond Shingoose.⁹⁰ Cassandra Lang testified that the some of the programs listed by him in his affidavit could be provided under the maintenance budget provided it is an eligible expenditure, however where the services are not eligible, it is likely that there are no other sources of potential funding outside the maintenance or preventions budgets.⁹¹ Additionally, Cassandra Lang testified that INAC will not fund prevention programs or services at cost.⁹² Rather, INAC would still fund eligible expenditures under the maintenance budget even if it still involved apprehending a First Nations child from its family and community.⁹³
68. A list of actual Jordan's Principle cases (redacted for privacy reasons) where funding shortfalls prevent YTCCFS from offering prevention services to keep a child in the home is available at paragraph 27 in the Affidavit of Raymond Shingoose.⁹⁴
69. A list of cases (redacted for privacy reasons) where funding shortfalls prevented YTCCFS from offering prevention services to keep a child in the home is available at paragraph 28 in the Affidavit of Raymond Shingoose.⁹⁵
70. A list of cases (redacted for privacy reasons) where funding shortfalls prevented YTCCFS from offering prevention services to keep a child in the home, resulting from the loss of

⁸⁹ Affidavit of Raymond Shingoose (affirmed December 20, 2016), para 25, referring to Exhibits "E", "F" and "G".

⁹⁰ Affidavit of Raymond Shingoose (affirmed December 20, 2016), para 26. See also, Transcript of the Cross-Examination of Robin Buckland pg 292 (Line 3) to pg 294 (Line 15).

⁹¹ Transcript of the Cross-Examination of Cassandra Lang, pg 318 (Line 3) to pg 320 (Line 12).

⁹² Transcript of the Cross-Examination of Cassandra Lang, pg 320 Line 13-16.

⁹³ Transcript of the Cross-Examination of Cassandra Lang, pg 324 Line 9-18.

⁹⁴ Affidavit of Raymond Shingoose (affirmed December 20, 2016), para 27.

⁹⁵ Affidavit of Raymond Shingoose (affirmed December 20, 2016), para 28. See also, Transcript of the Cross-Examination of Cassandra Lang, pg 316 (Line 19) to pg 318 (Line 2).

parents through suicide or drug related death after children apprehended, is available at paragraph 29 in the Affidavit of Raymond Shingoose.⁹⁶

71. A list of real impacts of funding shortfalls on YTCCFS clients is available at paragraph 30 in the Affidavit of Raymond Shingoose.⁹⁷

T. Immediate Needs must be addressed and also a National Strategy is required to Eliminate the Discrimination

72. In the Affidavit of Raymond Shingoose, the sixteen First Nations Chiefs and communities his agency serves lie within the same region and are certainly aware of the difficulties within their region, but they are also aware that the discrimination continuing against First Nations children in the FNCFS Program is occurring elsewhere and on a national scale.⁹⁸
73. Issues related to child protection/prevention services for the sixteen communities Mr. Shingoose represents need a greater infusion of immediate federal funding resources. The YTCCFS' organization has the capacity to manage the application of those resources if they are provided in a timely manner. In the long term, there are issues arising provincially or inter-provincially that may require a national strategy. First Nations must take the lead in developing a national strategy, consistent with self-determination, and the federal government must play the main supporting role as fiduciary, along with provincial governments.⁹⁹ In order for the federal government to ensure that a national strategy is developed consistent with principles of self-determination and the nation-to-nation relationship it is important for departments such as INAC and Health Canada to engage with the AFN. It is evidenced in Ms. Lang's statements with respect to the work of the MSR and the NAC, that INAC has not developed a specific process for engagement with First Nations and does not have an implementation plan for the recommendations received

⁹⁶ Affidavit of Raymond Shingoose (affirmed December 20, 2016), para 29.

⁹⁷ Affidavit of Raymond Shingoose (affirmed December 20, 2016), para 30.

⁹⁸ Affidavit of Raymond Shingoose (affirmed December 20, 2016), para 31.

⁹⁹ Affidavit of Raymond Shingoose (affirmed December 20, 2016), para 32.

from the NAC.¹⁰⁰

PART II – STATEMENT OF ISSUES

74. The AFN submits the following statement of issues:

1. Prevention:

- a. What is the Panel's immediate relief order regarding prevention?
- b. Has INAC complied with this order?
- c. Who has the burden of proving compliance?
- d. Is INAC obligated to comply?
- e. INAC should be provided a final opportunity to comply regarding prevention.

2. Consultation:

- a. Can INAC avoid compliance regarding immediate relief by claiming it must consult?
- b. Is INAC engaging in meaningful consultation?
- c. Can INAC circumvent the AFN and the other co-complainant and interested parties in its consultations?
- d. Should INAC be required to enter into a protocol with the AFN and the other complainant parties on consultations?

¹⁰⁰ Transcript of the Cross-Examination of Cassandra Lang, pg 261, Line 2-7 and Line 12.

PART III – STATEMENT OF ARGUMENT

1. Prevention

a. What is the Panel's immediate relief order regarding prevention?

75. Prevention services are aimed at assisting families during a crisis or where risks to a child have been identified. As opposed to separating a child from his or her family, prevention services are designed to provide relief through “least disruptive measures” to mitigate the risks of separating a child from his or her family. Prevention services provide family supports that keep children within their family environment, which is required by provincial legislation before a child is placed in care.
76. The Panel found that the lack of prevention services was one of the main adverse impacts of the FNCFS program.¹⁰¹ And, that inadequate prevention funding provides a perverse incentive that brings children into care because prevention-like programs can be reimbursed at cost under maintenance. The Panel ordered the Respondent to cease its discriminatory practices and reform the FNCFS Program and *1965 Agreement* to reflect the findings in this decision. This includes immediate measures to address the assumptions and flaws in its funding formulas related to prevention services.¹⁰²
77. The Respondent acknowledges that prevention services are captured in the Panel's Orders to immediately cease its discriminatory practices.¹⁰³

b. Has INAC complied with this order?

78. Despite the Panel's orders, FNCFS Agencies still cannot access a number of prevention programs offered off-reserve that remain unavailable to children and families on-reserve as a direct result of INAC's discriminatory funding model. Mr. Shingoose, Executive

¹⁰¹ 2016 CHRT 2, para 458.

¹⁰² 2016 CHRT 10, paras 20 (where Panel has provided emphasis) and 23.

¹⁰³ Transcript of the Cross-Examination of Cassandra Lang, pg. 316 (Line 19) to pg 317 (Line 2),

Director of YTCCFS, lists a number of prevention programs his agency cannot offer as of this date. These programs are:

- i. Suicide Interventions/supports
- ii. Ongoing mental counseling and assessments
- iii. Educational assessments for special needs children
- iv. Assessments for FASO, FAE
- v. Trauma interventions affected by Child Abuse
- vi. Daycare
- vii. Family Supports Centers
- viii. Emergency Food
- ix. Recreational facilities/Programs
- x. Staff Training curriculum and trainers
- xi. Quality Assurance funded positions
- xii. Investigation Units on child abuse
- xiii. Funding for NGO's contracted to provide services to children/parents
- xiv. Child protection legal services
- xv. Capital funding for buildings, group and emergency homes
- xvi. Range of Educational and training resources available for adults and youth.
- xvii. Optional treatment services for clients in involved with the addictions, law or for children with complex multiple needs.
- xviii. Cultural services with Elders/Helpers
- xix. More options for housing units and for mothers with children at risk
- xx. Services for youth exiting care
- xxi. Independent Living units for youth¹⁰⁴

79. Mr. Shingoose advises that there are real impacts to First Nations children and families as result of his agency (YTCCFS) not being able to offer the above noted prevention services.

¹⁰⁴ Affidavit of Raymond Shingoose (affirmed December 20, 2016), para 8.

The lack of prevention programs results in apprehension and placement of children into care. In addition, parents lose hope and eventually stop trying to make changes in their lives as no supports are provided to them. In some cases, children receive less than adequate care or no access to services for their needs.¹⁰⁵

80. INAC continues to focus its attention on the specific amount of funding it provides to FNCFS Agencies. It refers to the 2016-17 federal budget whereby \$71 million in additional funding was allocated to the FNCFS program. Funding for prevention continues to be set on a specific dollar amount, which is not necessarily in line with the Panel's orders.
81. As noted above, in the case of YTCCFS, total funding received from INAC for the 2016-17 fiscal year is \$9 million: \$4 million is for operations, \$3.1 million is for maintenance, with only \$1.5 million for prevention.¹⁰⁶ Mr. Shingoose advised that the increase of funding, while welcome, still does not address the needs of the First Nation communities his agency serves. Mr. Shingoose advises that his agency has incurred a \$1,206,570 deficit prompting the agency to fully implement recommendations of a financial review, including reduced human and financial resources.¹⁰⁷
82. In response to YTCCFS's deficit, INAC offers no recourse, other than offering an opportunity for the agency to clarify and share information about its actual needs and distinct circumstances.¹⁰⁸ The AFN submits the additional funding provided in the last federal budget continues to be based on a flawed approach, the historical *per capita* funding formula, which is concerned with a dollar amount for services, as opposed to meeting the distinct needs and circumstances of First Nations children, families and their communities which should be the focus.

¹⁰⁵ Affidavit of Raymond Shingoose (affirmed December 20, 2016), para 30.

¹⁰⁶ Affidavit of Raymond Shingoose (affirmed December 20, 2016), para 19.

¹⁰⁷ Affidavit of Raymond Shingoose (affirmed December 20, 2016), paras 22-23.

¹⁰⁸ Affidavit of Cassandra Lang (affirmed January 25, 2017), para 34.

83. The AFN submits that needs based funding is required to address and respond to the actual needs of First Nations children and families, which can be traced back to colonialism, the Indian Residential Schools experience, the Sixties Scoop and other racist or discriminatory policies that have damaged First Nations communities.
84. Despite recent funding increases, the AFN submits that INAC has failed to address and correct the perverse incentive that favors the removal of First Nations children. To date, INAC continues to pay maintenance costs at actual rates. However, little funding is provided for prevention. Under INAC's current policies, there is an unlimited amount of funding available to apprehend First Nations children.

9 Q. So my question is, it's kind of peculiar to me
10 that the federal government has no qualms, no concerns
11 whatsoever about costs of taking children into care and
12 that's an unlimited pot, and when it comes to prevention
13 services, they're not willing to make that same sacrifice.
14 To me, that just does not make sense. Now, as a program
15 director, is that the case where if every child in Ontario
16 that's First Nation on reserve is apprehended tomorrow, you
17 would pay the maintenance costs on all those
apprehensions?

18 A. For eligible expenditures, yes.¹⁰⁹

c. Who has the burden of proving compliance?

85. The AFN submits that since the Panel issued the Main Decision, INAC carries the burden of proving to the Panel and parties that it is complying with the Panel's remedial orders as set out in its three decisions, 2016 CHRT 2, 2016 CHRT 10, and 2016 CHRT 16.
86. The AFN seeks declaratory relief that INAC is both technically and substantially in breach

¹⁰⁹ Transcript of the Cross-Examination of Cassandra Lang, pg 324 (Line 9-19).

of the Panel's decision, including the Tribunal's orders in 2016 CHRT 2, 2016 CHRT 10, and 2016 CHRT 16. Therefore, INAC continues to be guilty of discrimination, by not addressing the immediate measures as ordered by the Panel according to its findings. Declaratory relief has been previously granted by this Panel in the Main Decision.¹¹⁰

87. The declaratory relief in this matter is in fact the Panel's findings of discrimination as set out at paragraph 458 of the Main Decision. The Panel's findings of discrimination at paragraph 458 (or declaratory relief) are non-exhaustive, and are what the Panel found were the main adverse impacts of INAC's design, management and control of the FNCFS Program; the corresponding funding formulas; and, related provincial/territorial agreements. This should be read in conjunction with the Panel's main findings with regard to the need to reform and redesign the FNCFS Program summarized at paragraphs 384 to 389 of the Main Decision.
88. Based on these main adverse impacts and the Panel's findings, the Panel ordered the immediate relief against INAC to "cease its discriminatory practices and reform the FNCFS Program and 1965 Agreement to reflect the findings in this decision" and to "cease applying its narrow definition of Jordan's Principle and to take measures to immediately implement the full meaning and scope of Jordan's Principle".¹¹¹
89. The AFN submits that reforming the FNCFS Program to reflect the findings of the Panel necessarily requires INAC to: (i) remove the flawed assumptions in Directive 20-1 about children in care and population thresholds that do not accurately reflect the service needs of on-reserve communities, (ii) amend or remove the current structure of the EPFA funding formula to address actual need, (iii) adjust or increase the funding levels under Directive 20-1 to meet actual need, (iv) update the 1965 Agreement, (v) coordinate the FNCFS Program with the provinces, territories and other federal departments in order to avoid

¹¹⁰ 2016 CHRT 2, paras 472-473.

¹¹¹ 2016 CHRT 2, para 481.

service gaps, delays and denials for First Nations children, and (vi) broaden the definition of Jordan's Principle in order to implement its full meaning and scope.

90. The Panel's remedial orders are aimed at immediate relief, which means all of the above should have been performed as expeditiously as possible. The fact that the AFN and the other parties have moved for an order of non-compliance approximately a year after the Panel's remedial orders were issued indicates the majority position amongst the parties in this matter that INAC's compliance with the Panel's remedial orders remains outstanding.
91. It is important to acknowledge that shortly after the Panel issued the Main Decision on January 26, 2016, Minister Bennett wrote to National Chief Perry Bellegarde, notifying him that INAC accepts the Panel's decision, its findings, and conclusion regarding the inadequacy of the FNCFS Program, and would not be filing for judicial review.¹¹²
92. The Panel wrote the following regarding INAC's burden to implement and comply with the Panel's remedial orders and findings:

[9] Generally, the Panel fails to understand why much of the information provided in INAC's most recent submissions could not have been delivered earlier, especially if this information formed part of the rationale for determining the budget for the FNCFS Program back in March 2016. INAC ought to have known this information was and remains important in responding to the Panel's information requests and reporting orders. Indeed, the Panel and the CCI Parties have been requesting this type of information for months now. It rests on INAC and the federal government to implement the Panel's findings and orders, and to clearly communicate how it is doing so, including providing a rationale for their actions and any supporting data and/or documentation, ensures the Panel and the parties that this is indeed the case.¹¹³ (emphasis added)

93. Additionally, the Panel stated the following regarding INAC's burden to implement and

¹¹² Affidavit of Jonathan Thompson (affirmed December 20, 2016), para 17, referring to Exhibit "G".

¹¹³ 2016 CHRT 10, para 9.

comply with the Panel's remedial orders and findings:

[21] The Complainants and Commission requested INAC to immediately remove the most discriminatory aspects of the funding schemes it uses to fund FNCFS Agencies under the FNCFS Program; and, in response, the Panel ordered INAC to cease its discriminatory practices and reform the FNCFS Program to reflect the findings in the Decision. While the Panel did request clarification on certain remedial items and understood the Federal government may need some time to review the Decision and develop a strategy to address it, that was three months ago and there is still uncertainty amongst the parties and the Panel as to how the Federal government's response to the Decision addresses the findings above. The Panel appreciates that some reforms to the FNCFS Program will require a longer-term strategy; however, it is still unclear why or how some of the findings above cannot or have not been addressed within the three months since the Decision. Instead of being immediate relief, some of these items may now become mid-term relief.¹¹⁴ (emphasis added)

94. Both of the above quotes are from the Panel's decision, 2016 CHRT 10, that was issued on April 26, 2016, approximately three months after the Main Decision. It is clear from these quotes that as early as April 26, 2016 the Panel (and the parties) were already concerned about INAC's intransigence and non-compliance in implementing the Panel's remedial orders regarding immediate relief as set out in the Main Decision. It was clear at that time that INAC had done very little in terms of compliance with the Panel's remedial orders, which concerned the parties that the Panel's remedial orders regarding immediate relief would not be followed.
95. The AFN submits the Panel's remedial orders are specifically directed at INAC, and therefore full implementation of the Panel's findings and remedial orders regarding immediate relief specifically lies with INAC. In addition, INAC is also expressly required to communicate with the parties how it is implementing the Panel's findings and remedial

¹¹⁴ 2016 CHRT 10, para 21.

orders, and must justify its actions to implement the Panel's findings and remedial orders, to ensure the parties that the Panel's findings and remedial orders are being followed.

96. The AFN also submits that the Panel's expectation is that its remedial orders be executed now by INAC, not in five years or any other length of time, and that immediate relief be conducted as expeditiously as possible. This is also the expectation of the Chiefs-in-Assembly as set out in Resolution No. 62/2016.¹¹⁵

d. Is INAC obligated to comply?

97. As mentioned, the AFN is particularly concerned with those INAC child welfare funding policies and programs (the FNCFS program and other related provincial/territorial agreements) that have been found to be discriminatory in that they fail to fund prevention services on the basis of need and in light of the historically disadvantaged circumstances of First Nations children and families on reserve, while fully funding apprehensions which acts as a perverse incentive to promote the removal of First Nations children from their on-reserve families and homes.
98. The AFN submits that INAC is obligated to comply with the Panel's order as expeditiously as possible, and that INAC is well aware of the impacts of this perverse incentive has on First Nations children and families. The AFN also submits that INAC is taking little action to correct this discriminating aspect of the FNCFS Program at this time. Instead of acting expeditiously as it ought to, INAC has suggested that any correction of the perverse incentive can only take place after extensive consultations with its partners and First Nations.

19 Q. Yes. And we had a discussion about that. And
20 then it goes on to say, however, any further reform must be
21 undertaken in collaboration with Canada's partners. I take

¹¹⁵ Affidavit of Jonathan Thompson (affirmed December 20, 2016), para 10, referring to Exhibit "C".

22 it to mean that any other changes that the department is
23 going to facilitate are not going to occur until you
24 complete your engagement process. Is that a fair statement
25 to glean from your affidavit?

1 A. Well, we want major -- yes, the reform of the
2 program, we must undertake with our program -- with our
3 partners.

4 Q. So, but any other changes are not going to come
5 until you're completed your engagement process?

6 A. At this point, there aren't specific ones that
7 are envisioned.

8 Q. So that's a no.

9 A. Yes. ¹¹⁶

99. In addition to the lack of funding for prevention services, there are time limits for any prevention program that individuals are enrolled in, whereas that same individual would be entitled to long-term programming in the case of an apprehension. Ms. Lang testified as follows:

2 Q. Can you read the two paragraphs right before
3 7.1? It's right above it, starting with the maximum?

4 A. "The maximum length of time for funding an
5 active prevention case is 90 days with a
6 possibility of a further 90 days with supervisor
7 approval for a total of 180 days."

8 Q. My understanding of that is in most cases
9 prevention programs, it's to a maximum of 90 days in

¹¹⁶ Transcript of the Cross-Examination of Cassandra Lang, pg 214 (Line 19) to pg. 215 (Line 9).

10 **Manitoba. Is that correct? Unless a supervisor approves**
11 **otherwise?**

12 **A. I don't know all the specifics of the Manitoba**
13 **legislation, but based on reading this, that's what it**
14 **appears to say.**

15 **Q. Does your department fund actuals for**
16 **maintenance for children that are in care for more than 90**
17 **days?**

18 **A. Yes.**

19 **Q. And there is no limitation on that?**

20 **A. No.**

100. That AFN submits that INAC has failed to take any steps eliminate its discriminatory practices of creating a perverse incentive to remove children. The lack and/or limiting of funding for prevention programs is one of the main differential treatments on-reserve First Nations are subjected to when compared to off-reserve children. Access to the same types of prevention programs that off-reserve children currently enjoy would provide more equality and will begin to address the real needs of First Nations children and families, which may vary from child-to-child or family-to-family.

101. INAC has considerable authority and discretion over the FNCFS Program and can provide prevention programs on the same basis as it provides maintenance. It has the ability to unilaterally make changes to the child welfare program, funding methodology, eligible programs/services and culturally appropriate prevention programs. Also, it has demonstrated its discretion when it unilaterally applied funding for prevention like programs in all remaining Directive 20-1 jurisdictions this fiscal year.

102. While the AFN appreciates the additional funding INAC has and will make available to FNCFS Agencies, the AFN fails to understand why the Respondent continues to rely on a

funding formula that is based on a flawed *per capita* basis.

103. Additionally, the AFN submits that the rule of law in this matter is directly dependent on the ability of the Tribunal to enforce its process and maintain respect for its remedial orders. It is within the power of the Tribunal and this Panel to uphold its process by ensuring its remedial orders are carried out by INAC. The rule of law is at the heart of our society; without it there can be neither peace, nor order, nor good government.¹¹⁷ As stated by the Supreme Court in *Carey v. Laiken*¹¹⁸:

[30] "...The rule of law is directly dependent on the ability of the courts to enforce their process and maintain their dignity and respect": *United Nurses of Alberta v. Alberta (Attorney General)*, [1992] 1 S.C.R. 901, at p. 931. It is well established that the purpose of a contempt order is "first and foremost a declaration that a party has acted in defiance of a court order": *Pro Swing Inc. v. Elta Golf Inc.*, [2006] 2 S.C.R. 612, at para. 35, cited in *Bell ExpressVu Limited Partnership v. Torroni*, 94 O.R. (3d) 614, at para. 20."

104. The AFN submits that the Tribunal has an obligation to protect the efficacy and integrity of the CHRA. The entire purpose of the act is to provide a meaningful remedy for those who have suffered discrimination. To eliminate discrimination, the remedy ordered must be effective and consistent with the nature of the rights protected.¹¹⁹ This is not possible if the Panel's orders are not carried through by INAC according to the Panel's findings.¹²⁰

e. INAC should be provided a final opportunity to comply regarding prevention

105. It is consistent with the principle of reconciliation that INAC be given one last opportunity to comply. In 2016 CHRT 10, the Panel wrote the following at paragraphs 40-42 about the

¹¹⁷ *United Nurses of Alberta v. Alberta (Attorney General)*, [1992] 1 SCR 901, p 931.

¹¹⁸ *Carey v. Laiken*, [2015] 2 SCR 79, 2015 SCC 17, para 30.

¹¹⁹ *Cruden v. Canadian International Development Agency & Health Canada*, 2012 CHRT 5 para 6 referring to *Robichaud v. Canada (Treasury Board)*, [1987] 2 SCR 84, para 13

¹²⁰ *Brooks v. Department of Fisheries and Oceans*, 2005 CHRT 14, para 14.

remaining remedial issues:

[41] On this journey towards change, I hope trust can be rebuilt between the parties. Effective and transparent communication will be of the utmost importance in this regard. Words need to be supported by actions and actions will not be understood if they are not communicated. Reconciliation cannot be achieved without communication and collaboration amongst the parties. While the circumstances that led to the findings in the Decision are very disconcerting, the opportunity to address those findings through positive change is now present. **This is the season for change. The time is now.** ¹²¹ (Panel's emphasis)

106. From the above quote, the Panel is concerned about producing meaningful change for First Nations children and families, and that the discrimination must end now. Importantly, the Panel also expresses concern that it is not enough for INAC to limit itself to discussing how the discrimination will end, but that INAC is required to take decisive action to end the discrimination, and that whatever action it decides to take cannot wait any longer. According to the Panel, the time to end the discrimination is now.
107. INAC's non-compliance cannot be permitted to continue. The AFN submits that the Panel fashion a clear order that INAC is ordered, as an immediate relief measure, to cease its discriminatory funding practice of not funding prevention on the basis of need. Also, that INAC be ordered to develop an alternative means for funding prevention services for First Nations children and families on-reserve and in the Yukon, based on actual needs especially in light of the historically disadvantaged circumstances of First Nations. Additionally, that INAC be given 60-days to develop and implement the methodology, and report back to the Panel in 60-days.

2. Consultation

108. As stated by the Supreme Court in *Haida*, the Crown's duty to consult and accommodate

¹²¹ 2016 CHRT 10, paras 41.

is by its very nature a balancing of Aboriginal and other interests and lies close to the aim of reconciliation, at the heart of Crown-Aboriginal relations.¹²² The duty obliges the Crown and First Nations to engage in discussion and achieve a mutually agreeable resolution to their issues. What is required from the Crown is meaningful consultation held in good faith with those authorized to engage in consultations.

a. Can INAC avoid compliance regarding immediate relief by claiming it must consult?

109. The AFN submits that INAC cannot avoid immediate relief by claiming it must first consult with its partners and FNCFS Agencies.
110. As stated above, the Panel's remedial orders for immediate relief are clear and require INAC to cease its discriminatory funding practices regarding preventative measures. INAC has accepted the Panel's decision,¹²³ it acknowledges that is bound by the decision and must follow through with its orders,¹²⁴ and INAC admits there is nothing stopping INAC from complying with the Panel's immediate relief orders.¹²⁵
111. INAC's efforts to consult do not advance immediate relief. The AFN submits that INAC has the information it needs to eliminate the discrimination according to the Panel's findings. That stated, INAC's efforts to consult may not be in good faith, but rather a delay tactic used to avoid complying with the Panel's remedial orders.
112. The AFN submits it would appear unnecessary for INAC to gather more information about its discriminatory funding practices when there are several reports available, and which are also before this Panel, such as the Wen:de series of reports and the Auditor General's report. Considering this, INAC's efforts to consult is really a duplication of information that

¹²² *Haida Nation v. British Columbia (Minister of Forests)*, [2004] 3 SCR 511, 2004 SCC 73, para 14 and 42.

¹²³ Affidavit of Jonathan Thompson (affirmed December 20, 2016), para 17, referring to Exhibit "G".

¹²⁴ Transcript of the Cross-Examination of Cassandra Lang, pg 335, Line 2-8.

¹²⁵ Transcript of the Cross-Examination of Cassandra Lang, pg 105 (Line 1) to pg 117 (Line 18).

is already available. INAC's further information gathering should not be reason for delaying immediate term relief.

113. AFN Resolution No. 83/2016 addressed the deep concern by all First Nations across Canada over Canada's failure to immediately and fully comply with the Tribunal's Main Decision and subsequent remedial orders.¹²⁶ Accordingly, the time for deep consultation has passed, and now is the time for INAC to take meaningful actions to comply with the Panel's orders. Additionally, INAC appears to be attempting to circumvent the AFN in its consultation efforts despite the AFN's mandates to follow-up on the implementation of the Tribunal's remedial orders.
114. As stated above, INAC and Health Canada are engaged in consultations with FNCFS Agencies about reforming the FNCFS Program. The AFN has been excluded from these consultations, and was not asked to review any consultation material. For unknown reasons, INAC and Health Canada decided to unilaterally exclude both co-complainants from these consultations, despite both parties being national organizations that represent First Nations and FNCFS Agencies across Canada, respectively.¹²⁷ The AFN submits that INAC's decision to not include the AFN or the Caring Society hinders INAC's ability to effectively implement the Tribunal's Main Decision and remedial orders, and facilitates the ongoing discrimination against First Nations children.¹²⁸ Further, the AFN was not consulted on the appointment of the MSR,¹²⁹ despite the AFN being mandated to engage on these issues.¹³⁰
115. Finally, the AFN submits the NAC must be properly constituted as a priority. The NAC's role

¹²⁶ Affidavit of Jonathan Thompson (affirmed December 20, 2016), para 14.

¹²⁷ Affidavit of Jonathan Thompson (affirmed December 20, 2016), para 21. See also, Transcript of the Cross-Examination of Robin Buckland, pg 130, Line 12-24.

¹²⁸ Affidavit of Jonathan Thompson (affirmed December 20, 2016), para 22.

¹²⁹ Affidavit of Jonathan Thompson (affirmed December 20, 2016), para 25.

¹³⁰ Affidavit of Jonathan Thompson (affirmed December 20, 2016), para 10, referring to Exhibit "C".

is to facilitate the transition to addressing mid- to long-term relief issues, including consultation and developing proper protocols regarding consultation. As stated above, the AFN views the NAC to be the legitimate process to provide advice to the Chiefs-in-Assembly and Government of Canada on the reformation of the FNCFS Program and implementation of Jordan's Principle.¹³¹ However, apart for the negotiations of the Terms of Reference, the AFN has not been meaningfully engaged by INAC regarding proposed reforms to the FNCFS Program.¹³²

b. Is INAC engaging in meaningful consultation?

116. INAC has a poor record consulting First Nations across Canada which was acknowledged by the Panel in the Main Decision at paragraph 461, where the Panel found against INAC that "[n]otwithstanding numerous reports and recommendations to address the adverse impacts outlined [in the Main Decision], including its own internal analysis and evaluations, [INAC] has sparingly implemented the findings of those reports". Further, in 2016 CHRT 16 at paragraph 29, the Panel found that INAC has difficulty changing its mindset and distancing itself from its discriminatory practices, "[t]he Panel is concerned to read in INAC's submissions much of the same type of statements and reasoning that it has seen from the organization in the past."
117. In *Brown v. Canada (Attorney General)*,¹³³ which is a recent decision from the Ontario Superior Court from Justice Edward P. Belobaba involving a class action based on the Sixties Scoop in Ontario, reveals that Canada's lack of consultation with First Nations regarding child services, also existed in Ontario in regards to the Sixties Scoop.
118. In *Brown*, a representative plaintiff brought a motion for summary judgment asking that

¹³¹ Affidavit of Jonathan Thompson (affirmed December 20, 2016), para 12, referring to Exhibit "E".

¹³² Reply Affidavit of Jonathan Thompson (affirmed January 30, 2017), para 5, referring to Exhibit "A". See also, Transcript of the Cross-Examination of Cassandra Lang, pg 327 (Line 21) to pg 332 (Line 17).

¹³³ *Brown v. Canada (Attorney General)*, 2017 ONSC 251.

the certified common issue be answered in favour of the class members.¹³⁴ There was no dispute about the fact that thousands of Aboriginal children living on-reserve were apprehended and removed from their families by provincial child welfare authorities from 1965 to 1984, and placed in non-Aboriginal foster homes, or adopted by non-Aboriginal parents.¹³⁵ Also, there was no dispute that this caused great harm: loss of Aboriginal language, culture and identity.¹³⁶

119. The issue before Justice Belobaba of the Ontario Superior Court of Justice on the motion for summary judgment was whether Canada can be found liable in law for the class members' loss of Aboriginal identity after they were placed in non-Aboriginal foster and adoptive homes.¹³⁷ It was held that when Canada entered into the *1965 Agreement* and over the years of the class period, Canada had a common-law duty of care to take reasonable steps to prevent on-reserve Indian children in Ontario, who had been placed in the care of non-Aboriginal foster or adoptive parents, from losing their Aboriginal identity. It was found that Canada had breached this common-law duty of care.¹³⁸
120. The certified common issue focused on three things: (i) the Ontario *1965 Agreement*, (ii) action/inaction of Canada (not Ontario), and (iii) the time period *after* the Aboriginal children had been placed in non-Aboriginal foster or adoptive homes.¹³⁹ The class period covered 19 years, from the time when Canada entered the *1965 Agreement* (December 1965), to the time when Ontario amended its child welfare legislation to recognize for the first time that "Aboriginality" should be a factor to be considered in child protection and placement (December 1984).¹⁴⁰ The stated goal of the *1965 Agreement* was to make

¹³⁴ *Brown v. Canada (Attorney General)*, 2017 ONSC 251, para 1.

¹³⁵ *Brown v. Canada (Attorney General)*, 2017 ONSC 251, para 5.

¹³⁶ *Brown v. Canada (Attorney General)*, 2017 ONSC 251, para 6.

¹³⁷ *Brown v. Canada (Attorney General)*, 2017 ONSC 251, para 10.

¹³⁸ *Brown v. Canada (Attorney General)*, 2017 ONSC 251, para 85.

¹³⁹ *Brown v. Canada (Attorney General)*, 2017 ONSC 251, para 12.

¹⁴⁰ *Brown v. Canada (Attorney General)*, 2017 ONSC 251, para 14.

available to the Indians in the province the full range of provincial welfare programs.¹⁴¹ As found by the Court, Canada could have enacted its own child protection statute, but didn't, and also Ontario could have extended its statute to apply on-reserve (by virtue of section 88 of the *Indian Act*¹⁴²), but didn't.¹⁴³

121. Instead, Canada chose to fund the provincial extension as an exercise of its spending power, whereby Canada reimbursed Ontario for the *per capita* cost of the provincial programs so extended, in accordance with a formula set out in the *1965 Agreement*.¹⁴⁴ More than just a federal spending agreement, it was found that the *1965 Agreement* reflected Canada's concern that the extension of provincial laws would respect and accommodate the special culture and traditions of the First Nations people living on-reserve, including their children.¹⁴⁵
122. Ontario's undertaking to provide provincial welfare programs on-reserve was subject to Canada's obligation to fully consult with the Indian Bands and secure their concurrence, because it was viewed that forcing the provincial services on the Indian peoples against their wishes would be a serious breach of faith.¹⁴⁶ Canada was prepared to exercise its spending power to fund the extension of provincial programs to reserves but only with the advice and consent of every affected Indian Band to every one of the 18 provincial programs that were being so extended.¹⁴⁷ As found by the Court, Canada's obligation to consult was intended to include explanations, discussions, and accommodations, and it was meant to be a genuinely meaningful provision that applied to all 18 provincial

¹⁴¹ *Brown v. Canada (Attorney General)*, 2017 ONSC 251, para 15.

¹⁴² *Indian Act*, RSC, 1985, c. I-5, s. 88 (General provincial laws applicable to Indians).

¹⁴³ *Brown v. Canada (Attorney General)*, 2017 ONSC 251, para 17.

¹⁴⁴ *Brown v. Canada (Attorney General)*, 2017 ONSC 251, para 17.

¹⁴⁵ *Brown v. Canada (Attorney General)*, 2017 ONSC 251, para 18.

¹⁴⁶ *Brown v. Canada (Attorney General)*, 2017 ONSC 251, para 23.

¹⁴⁷ *Brown v. Canada (Attorney General)*, 2017 ONSC 251, para 24.

programs, including child welfare services.¹⁴⁸

123. However, no Indian Bands were ever consulted and the full reach of the provincial child welfare regime was extended to all reserves without any consultation or concurrence on the part of any Indian Band.¹⁴⁹ It was found by the Court that Canada breached the *1965 Agreement*, specifically s. 2(2), by failing to consult the Indian Bands.¹⁵⁰ The evidence showed that if the Indian Bands had been consulted they would have suggested that some contact be maintained with the removed children during the post-placement period so that they would know that they were loved and “could always come home”; and that the “white care-givers” be provided with information about the removed child’s Indian Band, culture and traditions and the various federal educational and financial benefits that were available to the Indian children.¹⁵¹ Additionally, had the Indian Band’s been consulted, the Court found that it would have been far less likely that the children of the Sixties Scoop would have suffered a complete loss of their Aboriginal identity.¹⁵² Finally, if Canada had honoured its obligation to consult the Indian Bands, the information about the child’s Aboriginal identity and culture and the available federal benefits would have been provided years sooner.¹⁵³
124. The Court found that subsection 2(2) of the *1965 Agreement* created a common-law duty of care on Canada for the benefit of the certified class, per the *Anns-Cooper* test.¹⁵⁴ Subsection 2(2) created a common-law duty of care and provided a basis in tort for the class members’ claims.¹⁵⁵ A common-law duty of care arose out of the fact that the *1965*

¹⁴⁸ *Brown v. Canada (Attorney General)*, 2017 ONSC 251, para 24.

¹⁴⁹ *Brown v. Canada (Attorney General)*, 2017 ONSC 251, paras 34-36.

¹⁵⁰ *Brown v. Canada (Attorney General)*, 2017 ONSC 251, para 37.

¹⁵¹ *Brown v. Canada (Attorney General)*, 2017 ONSC 251, para 47.

¹⁵² *Brown v. Canada (Attorney General)*, 2017 ONSC 251, para 49.

¹⁵³ *Brown v. Canada (Attorney General)*, 2017 ONSC 251, para 61.

¹⁵⁴ *Brown v. Canada (Attorney General)*, 2017 ONSC 251, para 77.

¹⁵⁵ *Brown v. Canada (Attorney General)*, 2017 ONSC 251, para 72.

Agreement was analogous to a third-party beneficiary agreement.¹⁵⁶ Canada undertook the obligation to consult in order to benefit the Indian Bands. The Indian Bands were not parties to the *Agreement*. But, it was ruled that a tort duty can be imposed on Canada as a contracting party in these circumstances.¹⁵⁷

125. The certified class' claim in tort flowed directly from the fact that at the time of entering the *1965 Agreement*, Canada assumed and breached its common-law obligation to consult with the third party Indian Bands. It was found that the law attaches a duty of care in circumstances where there is not only a unique and pre-existing special relationship based on both history and law, but a clear obligation to consult the beneficiaries about matters of existential importance.¹⁵⁸ Although the Court found that it could be argued the third-party beneficiaries were the Indian Bands, not the apprehended children (i.e. the certified class members), that argument could not withstand scrutiny in the First Nations context where notions of good faith, political trust and honourable conduct are meant to be taken seriously, and where Canada's breach of the *1965 Agreement* was so flagrant.¹⁵⁹
126. Under the first stage of the *Anns-Cooper* test, Justice Belobaba found a *prima facie* duty of care was clearly established on the evidence, but also because it was beyond dispute that a special and long-standing historical and constitutional relationship exists between Canada and Aboriginal peoples that has evolved into a unique and important fiduciary relationship.¹⁶⁰ Justice Belobaba also found that it was beyond dispute that given such close and trust-like proximity it was foreseeable that a failure on Canada's part to take reasonable care might cause loss or harm to Aboriginal peoples, including their children.¹⁶¹ Also, during the class period in question, Canada had accepted that its care and welfare of

¹⁵⁶ *Brown v. Canada (Attorney General)*, 2017 ONSC 251, para 73.

¹⁵⁷ *Brown v. Canada (Attorney General)*, 2017 ONSC 251, para 73.

¹⁵⁸ *Brown v. Canada (Attorney General)*, 2017 ONSC 251, para 74.

¹⁵⁹ *Brown v. Canada (Attorney General)*, 2017 ONSC 251, para 75.

¹⁶⁰ *Brown v. Canada (Attorney General)*, 2017 ONSC 251, para 78.

¹⁶¹ *Brown v. Canada (Attorney General)*, 2017 ONSC 251, para 79.

the Aboriginal peoples was a “political trust of the highest obligation”, and there was no doubt that the Aboriginal peoples concern to protect and preserve their Aboriginal identity was and remains an interest of the highest importance.¹⁶²

127. Under the second stage of the *Anns-Cooper* test, Justice Belobaba found that Canada did not advance a credible policy consideration that would negate the common-law duty of care.¹⁶³ Therefore, a common-law duty to take steps to prevent Aboriginal children who were placed in the care of non-Aboriginal foster or adoptive parents from losing their Aboriginal identity was established.¹⁶⁴
128. It should be noted that Canada chose not to appeal this case. As shown above, the *Brown* case touches upon child welfare issues. In this case, INAC was obligated to consult according to the *1965 Agreement* and was found by the Court to have failed to do so. *Brown* serves to give an indication of lack of good faith by INAC when it comes to consultation regarding child welfare, which consistent with much older and racist patterns that prevailed during the residential school era.
129. The AFN submits the *Brown* case is further evidence of Canada’s poor record and history of consulting First Nations people regarding child services. This poor record and history also includes INAC. The Panel had criticized INAC of its old mindset. This old mindset may be more aptly described as INAC’s paternalistic mindset existent across Canada and borne from a dark, colonial past. The discrimination that existed then has dissipated, but it is revealed in cases like *Brown*, and in the current matter before this Panel regarding immediate relief, and it shows that INAC as a federal department within Canada has not totally divorced itself from its prejudices against First Nations people. INAC’s approaches

¹⁶² *Brown v. Canada (Attorney General)*, 2017 ONSC 251, para 80.

¹⁶³ *Brown v. Canada (Attorney General)*, 2017 ONSC 251, para 82.

¹⁶⁴ *Brown v. Canada (Attorney General)*, 2017 ONSC 251, para 83.

continue to be steeped in practices that are paternalistic in nature.

130. The AFN also submits that, like *Brown*, there has been little to no engagement or consultation with the AFN or Caring Society in this case. Also, like *Brown*, INAC is unilaterally extending its policies and practices over First Nations with little to no engagement or consultation or concurrence. First Nations children and families are put in the position of having to accept INAC policies and practices concerning child and family services without having the opportunity to influence the decisions INAC must make to eliminate the discrimination. INAC's approach is paternalistic, and it is from this mindset that INAC found itself in violation of the *CHRA* and guilty of discrimination.
131. The AFN also submits that the First Nations children and families in this matter are represented by people, like Raymond Shingoose at the YTCCFS Agency, who are empowered to advocate on their behalf and seek the necessary resources and offer services that are helpful. There are also regional organizations that are similarly empowered, but more importantly there are national organizations like the AFN and the Caring Society who represent a much larger cohort of First Nations people, as evidenced by the Chiefs-in-Assembly who represent First Nations people across Canada, and have the knowledge to properly inform INAC how to eliminate the discrimination. These organizations, like the AFN and Caring Society, have helpful ideas that could assist INAC succeed in its efforts to eliminate the discrimination. But, INAC is not consulting these organizations. INAC is not engaging the AFN or the Caring Society, and the AFN submits INAC is also not listening to the concerns of FNCFS Agencies. Instead, INAC is addressing immediate relief in this matter in a manner similar to its past approaches, that is, in a paternalistic fashion with little regard to the actual need of First Nations people who face the brunt of INAC's paternalistic and ill-informed practices.

c. Should INAC be required to enter into a protocol with the AFN and the other complainant parties on consultations?

132. The AFN submits that INAC continues to determine funding in a way that the Panel found to be discriminatory in the Main Decision. The Panel found that the FNCFS Program is more than just funding – the funding must also address the differing needs and circumstances among First Nations, and be implemented in a consistent and equitable manner.

133. The Panel wrote:

[482] “...there is a need to refocus the policy of the program to respect human rights principles and sound social work practice. In the best interests of the child, all First Nations children and families living on-reserve and in the Yukon should have an opportunity “...equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society.”¹⁶⁵

134. As found by the Panel in the Main Decision, the *2008 Report of the Auditor General of Canada* concluded that INAC’s funding formula must be delivered in an equitable manner.¹⁶⁶ Also, it was found by the Panel that INAC’s funding formulas do not account for the actual needs of the FNCFS Agencies.¹⁶⁷ Additionally, it was found that INAC’s funding formulas under Directive 20-1 and EPFA are largely based on population levels, which disproportionately affect small and remote FNCFS Agencies¹⁶⁸

135. The AFN submits that INAC is not complying with the Panels remedial orders by failing to address the inequities in its funding formulas and budget by not accounting for actual need. This was a concern raised by the Panel in its decision, 2016 CHRT 16, where it wrote

¹⁶⁵ 2016 CHRT 2, para 482.

¹⁶⁶ 2016 CHRT 2, paras 187-189.

¹⁶⁷ 2016 CHRT 2, para 311.

¹⁶⁸ 2016 CHRT 2, paras 313-314.

“[t]he fact that key items, such as determining funding for remote and small agencies, were deferred to later is reflective of INAC’s old mindset that spurred this complaint. This may imply that INAC is still informed by information and policies that fall within this old mindset and that led to discrimination.”¹⁶⁹

136. The AFN submits that although INAC has provided additional funding, it remains largely unknown whether this additional funding is addressing the most discriminatory aspects of INAC’s funding formulas in the immediate term as found by the Panel. Importantly, as stated by the Panel, “the concern is not with the specific amount of funding per se, but rather the way in which it is determined.”¹⁷⁰ In other words, regardless of the additional funding, if INAC’s funding formulas have not been amended and/or removed then the way in which the FNCFS Program is delivered and funded would remain the same, and thus the discrimination against First Nations children and families continues. Cassandra Lang testified that INAC still has not fully considered removing the most discriminatory aspects of the funding schemes, and has not fully considered the least disruption measures, such as funding the prevention budget of FNCFS Agencies at cost.¹⁷¹
137. The AFN submits that what is important is that INAC’s funding formulas and budgets meet the distinct needs and circumstances of First Nations children and families and their communities. Also, the AFN submits it is within INAC’s power to amend and/or remove its discriminatory funding formulas and budgets by addressing the Panel’s findings regarding the assumptions about the number of children in care, the number of families in need of services and population levels. These are areas that INAC can address in the immediate term on its own without the need to engage extended consultation with First Nations across Canada, rather all that is required is for INAC to follow the Panel’s findings in the

¹⁶⁹ 2016 CHRT 16, para 29.

¹⁷⁰ 2016 CHRT 16, para 33.

¹⁷¹ Transcript of the Cross-Examination of Cassandra Lang, pg 326 Line 3-19.

Main Decision.

138. The AFN submits that INAC would be in violation of the Panel's remedial orders if it left amending and/or removing its discriminatory funding formulas and budgets to be addressed in the long-term. INAC's funding formulas is one of the most discriminatory aspects of the FNCFS Program as found by the Panel, which significantly impacts First Nations children and families.¹⁷² Rather, the necessary reform of INAC's funding formulas under the FNCFS Program must be done in wholesale and immediately, not in a phased or piece meal approach. The AFN submits that a phased or piece meal approach has not worked in the past with the FNCFS Program,¹⁷³ and will result in ongoing discrimination.
139. The AFN submits it is particularly important that the systemic discrimination that currently exists under the FNCFS Program come to an end in the immediate term, as much as possible. It would appear that systemic discrimination under the FNCFS Program continues unabated despite the additional funding increases. The AFN submits that this is because INAC has not amended its funding formulas according to the Panel's findings to address the actual need and circumstances among First Nations children and families.
140. The AFN submits that it is not how much funding INAC budgets for the FNCFS Program, but rather the way it funds the program. The way that INAC funds the FNCFS Program lies at the core of the systemic discrimination that INAC is allowing to continue in spite of the Panel's findings. INAC must address the way it funds the FNCFS Program by bringing it in compliance with the Panel's findings and remedial orders.
141. The Canadian Human Rights Tribunal stated the following in *Public Service Alliance of Canada*:

¹⁷² 2016 CHRT 16, para 33.

¹⁷³ 2016 CHRT 2, para 185 and 331.

[815] The Tribunal also recognizes the importance of addressing systemic remedies when one is dealing with systemic discrimination. Remedial measures should remedy the past, present and future effects of such discrimination. As Mr. Justice Dickson, then Chief Justice of the Supreme Court of Canada, pronounced in 1987 “statutes are deemed to be remedial and are thus to be given such fair, large and liberal interpretation as will best ensure that their objects are attained...[and] the purpose of the CHRA is...to prevent discrimination. After a lengthy discussion of systemic discrimination and the methods necessary to combat it, the Chief Justice concluded that “it is essential to look to the past patterns of discrimination and to destroy those patterns in order to prevent the same type of discrimination in the future.”¹⁷⁴

142. Further, as stated in *Grover*, the primary focus of the CHRA is the eradication of discriminatory practices, and that section 53(2) be interpreted in a manner that best facilitates this primary focus.¹⁷⁵ As submitted by the AFN, the INAC’s discriminatory practices are continuing in spite of the Panel’s remedial orders for immediate relief. The nature of the discrimination in this case is long-standing and systemic, and as shown in the evidence of the AFN’s motion, and in the other parties’ motions, implementing an effective remedy is difficult given the history of INAC’s intransigence to eliminate the discrimination.
143. The AFN submits that it is important that the Panel remained seized of its jurisdiction over this matter to ensure its remedial orders are carried through by INAC. However, to be included amongst its remedial orders should be an additional order that INAC carry out the immediate relief, which has already been ordered, within a certain period of time to ensure the parties remedy is effectively implemented. The Panel’s general order regarding

¹⁷⁴ *Public Service Alliance of Canada v. Canada Post Corporation*, 2005 CHRT 39, para 815 referring to *CN v. Canada (Canadian Human Rights Commission)*, [1987] 1 SCR 114, paras 24-25 and 44.

¹⁷⁵ *Grover v. Canada (National Research Council)*, [1994] F.C.J. No. 1000, paras 32.

immediate relief¹⁷⁶ was issued over a year ago, and still some of the most discriminatory aspects of the FNCFS Program remains.

144. Additionally, in consideration of the above, INAC should be required to enter into a protocol with the AFN and the other complainant parties on consultations to ensure that INAC's funding is addressing the differing needs and circumstances among First Nations, and is implemented in a consistent and equitable manner.

PART IV – COSTS SUBMISSIONS

145. The complainants do not seek costs and ask that they not be subject to any costs orders.

PART V – NATURE OF THE ORDER SOUGHT

146. The Assembly of First Nations supports and adopts the remedies requested by the Caring Society, the COO and NAN, and requests the following additional Declaration and Orders:
- A Declaration that INAC is both technically and substantially in breach of the Panel's Decision, including the Tribunal's Orders in 2016 CHRT 2, 2016 CHRT 10 and CHRT 16, and therefore continues to be guilty of discrimination, by not addressing the immediate measures identified in the said Orders.
 - An Order that INAC immediately develop in consultation with the AFN, the Caring Society, COO and NAN, as well as the Commission, a protocol grounded in the honor of the Crown, for engaging in consultations with First Nations and FNCFC agencies that are affected by the Decision and the Remedial Orders herein, and that INAC engage in consultations in a manner consistent with the protocol and the honor of the Crown, to address the elimination of discrimination substantiated in the Panel's Decision.

¹⁷⁶ 2016 CHRT 2, para 481.

- An Order that, pending long term reform to its funding models, INAC immediately eliminate that aspect of its funding models that creates a perverse incentive resulting in the unnecessary apprehension of First Nations children from their families and/or communities. To this effect, INAC be ordered to immediately implement a system for funding the cost of prevention/least disruptive measures, which operates on the same basis as INAC's current funding practices for maintenance costs, that is, by fully reimbursing actual costs for these services, as determined by FNCFC agencies to be in the best interests of the child.
- An Order that INAC comply with the Panel's Remedial Orders regarding immediate relief in a manner which is effective, expeditious and in consultation with the AFN, the Caring Society, COO and NAN, as well as the Commission, and to avoid a phased piecemeal approach to funding and addressing immediate measures, in order to ensure that historic disadvantage and systemic discrimination is not further perpetuated.
- An Order that INAC be directed to address long term relief by establishing the National Advisory Committee in consultation with the Complainants.
- An Order that INAC cease its discriminatory funding practice of not funding prevention on the basis of need, and that INAC develop an alternative means for funding prevention services for First Nations children and families on-reserve and in the Yukon, based on actual needs especially in light of the historically disadvantaged circumstances of First Nations, and, additionally, that INAC be given 60-days to develop and implement the methodology and report back to the Panel.
- Such further and other relief as the Panel deems just and fit to allow in the circumstances.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

Dated: February 28, 2017

NAHWEGAHBOW, CORBIERE
Genoodmagejig/Barristers & Solicitors
David C. Nahwegahbow, IPC, LSM
5884 Rama Road, Suite 109
Rama, ON L3V 6H6
T: (705) 325-0520
F: (705) 325-7204
dndaystar@nncfirm.ca
Co-Counsel for the Complainants, Assembly
of First Nations



ASSEMBLY OF FIRST NATIONS
Stuart Wuttke
55 Metcalfe Street, Suite 1600
Ottawa, ON K1P 6L5
T: (613) 241-6789
F: (613) 241-5808
swuttke@afn.ca
Co-Counsel for the Complainants, Assembly of
First Nations

PART VI – TABLE OF AUTHORITIES

Primary Sources
<i>First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)</i> , 2016 CHRT 2.
<i>First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)</i> , 2016 CHRT 10.
<i>First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)</i> , 2016 CHRT 16.
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CBC News, <i>Liberals will support motion demanding action on First Nations child welfare</i> , by John Paul Tasker, October 31, 2016, online: http://www.cbc.ca/news/politics/ndp-motion-first-nations-child-welfare-1.3829161 .
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<i>Carey v. Laiken</i> , [2015] 2 SCR 79, 2015 SCC 17, para 30.
<i>Cruden v. Canadian International Development Agency & Health Canada</i> , 2012 CHRT 5 para 6 referring to <i>Robichaud v. Canada (Treasury Board)</i> , [1987] 2 SCR 84, para 13
<i>Brooks v. Department of Fisheries and Oceans</i> , 2005 CHRT 14, para 14.
<i>Haida Nation v. British Columbia (Minister of Forests)</i> , [2004] 3 SCR 511, 2004 SCC 73, para 14 and 42
<i>Brown v. Canada (Attorney General)</i> , 2017 ONSC 251.
<i>Public Service Alliance of Canada v. Canada Post Corporation</i> , 2005 CHRT 39, para 815 referring to <i>CN v. Canada (Canadian Human Rights Commission)</i> , [1987] 1 SCR 114, paras 24-25 and 44.
<i>Grover v. Canada (National Research Council)</i> , [1994] F.C.J. No. 1000, paras 32.

CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and
ASSEMBLY OF FIRST NATIONS**

Complainants

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

ATTORNEY GENERAL OF CANADA

(representing the Minister of Indigenous and Northern Affairs Canada)

Respondent

- and -

CHIEFS OF ONTARIO and

AMNESTY INTERNATIONAL CANADA AND NISHNAWBE ASKI NATION

Interested Parties

**SUBMISSIONS ON MOTION (DATED NOVEMBER 22, 2016) REGARDING
IMMEDIATE RELIEF BROUGHT BY CHIEFS OF ONTARIO**

Maggie Wente and Krista Nerland

Olthuis Kleer Townshend LLP

250 University Avenue 8th Floor

Toronto, ON

M5H 3E5

416-981-9330

416-981-9350

mwente@oktlaw.com

knerland@oktlaw.com

Counsel for the Interested Party Chiefs of Ontario

OVERVIEW OF MOTION

1. Chiefs of Ontario (COO) brings this motion regarding the adequacy of the “immediate relief” undertaken by the Respondent Canada in response to the Tribunal’s January 26, 2016 order to cease discrimination and its subsequent orders regarding immediate relief.
2. Chiefs of Ontario makes this motion pursuant to its position that Canada has failed to abide by the Tribunal’s order to cease discrimination in the immediate term, and in particular with respect to provision of Band Representative services in Ontario, children’s mental health services in Ontario, and an Ontario Special Study.
3. The Tribunal in its previous orders has ordered Canada to cease discrimination against First Nations Children in Ontario, and has cited the absence of Band Representative Services and the relative paucity of children’s mental health services as being discriminatory. The Tribunal asked Canada to elaborate on how its recent budget will address the Tribunal’s decision with respect to provision of Band Representative services and children’s mental health service needs, pending longer-term reform.
4. The evidence on the motion clearly answer the Tribunal’s question: Canada has no intention of funding the Band Representative program or additional mental health services in Ontario in any time frame that could be called “immediate”, nor has Canada taken any serious steps toward determining what services may be required, how or when those services will be provided, or reforming the 1965 Agreement.
5. Chiefs of Ontario says that the steps taken by Canada are not adequate to comply with the Tribunal’s orders to cease discrimination, and that further, specific orders are required to alleviate discrimination against First Nations children in Ontario in the short term.

WHAT CANADA HAS DONE POST-DECISION

6. Canada has submitted reporting letters as ordered by the Tribunal, which were included in the affidavit of Cassandra Lang, sworn January 25 2017.¹
7. Canada has committed to the following “immediate relief investments” for First Nations children in Ontario:
 - (a) in 2016-2017, an increase in prevention funding of \$5,833,524.32 for Ontario (excluding Akwesasne) and \$2,208,304.80 (for Akwesasne), which was in

¹ Affidavit of Cassandra Lang sworn January 25, 2017, Exhibits 1 and 2.

December 2016 distributed to First Nations to deliver prevention services, on the advice of Chiefs of Ontario.²

- (b) In total until 2020-2021, increases in prevention funding \$59,158,035.48 for Ontario (excluding Akwesasne) and \$11,350,528.40 (for Akwesasne). To whom that funding will be distributed is yet to be determined.³
8. Canada calculated these budget amounts prior to the release of the Tribunal's decision.⁴
9. Indigenous and Northern Affairs Canada ("INAC") calculated these budget amounts based on Enhanced Prevention Focused Approach ("EPFA") amounts from other parts of the country, or on some other "prevention-based model" amounting to approximately \$1000.00 per child. The Tribunal has since held that the EPFA formulae are discriminatory. Canada did not change its budget for increased services to First Nations children in Ontario in response to the Tribunal's decision on this point.⁵
10. The 2016-2021 budget amounts set out for prevention services funding for Ontario represent 93% of what Canada calculated in 2013-2014 was required to provide prevention based services in Ontario. This 93% figure was based on the assumption that Ontario would contribute 7% under the 1965 Agreement cost-sharing provisions. Ontario ultimately did not agree to contribute 7%, and Canada did not increase its budget to make up the shortfall.⁶
11. The 2016-2017 budget amount was 40% of the total amount Canada calculated was required and was prepared to commit to over five years.⁷
12. In other words, in 2016-2017, Canada provided 37% of the total amount Canada calculated was required for prevention funding before the Tribunal's decision, for prevention services funding.⁸

² Affidavit of Cassandra Lang sworn January 25, 2017, Exhibit 1, Annex C; Affidavit of Deputy Grand Chief Denise Stonefish sworn December 16, 2017 at para 15.

³ Canada's May 24 Reporting Letter to the Tribunal, Annex A, marked as Exhibit CL-3-A in the Cross Examination of Cassandra Lang dated February 7, 2017.

⁴ Affidavit of Cassandra Lang sworn January 25, 2017, Exhibit 1 at page 1; Cross Examination of Cassandra Lang February 7 2017 at page 10, lines 7-21.

⁵ Affidavit of Cassandra Lang sworn January 25, 2017, Exhibit 1, Annex C; Cross Examination of Cassandra Lang February 7 2017 at page 26, line 8 – Page 28, line 3.

⁶ Affidavit of Cassandra Lang, sworn January 25, 2017, Exhibit 1, Annex A; Cross examination of Cassandra Lang February 7 2017 at pages 29, line 5 – page 30, line 17.

⁷ Cross examination of Cassandra Lang February 7, 2017 at page 47, lines 22-25.

⁸ 40% of 93% of the total amount equals 37%.

WHAT CANADA HAS NOT DONE POST-DECISION

Canada has not adjusted its budget to respond to the Tribunal's decision

13. Canada devised its budget which applies to the 2016-2017 through to the 2020-2021 fiscal years in 2013-2014.⁹
14. Canada did not consult with any First Nations, First Nations agencies, Chief of Ontario, or the Province of Ontario while formulating those numbers.¹⁰
15. Canada did not adjust its budget numbers after receiving the Tribunal's decision in January 2014 to provide any funding for anything other than prevention. In particular, Canada based its 2016-2021 budget investments according to a prevention based model which is stated in its spreadsheets to be "EPFA ask". Those numbers were not revisited after the Tribunal concluded that the EPFA formula is discriminatory.¹¹
16. Specifically the budget was not increased to provide Band Representative services or mental health services (or any other services other than prevention services), even after the Tribunal's decision that the failure to provide Band Representative and children's mental health services is discriminatory.¹²
17. Canada's increased funding announced as part of Budget 2016-2017 is based on funding amounts required to increase prevention services in Ontario. For the 2016-2017 budget, Canada directed that the money could only be used for prevention services.¹³
18. INAC's affiant stated in cross-examination that if Band Representative Services were required or permitted by INAC in the future, funding for such services would have to come from the existing funding envelopes as set out in the budget for 2016-2021. However, because the budget is calculated with the aim of increasing prevention funding to a certain amount, this means that First Nations who decided to provide these services in the future would necessarily have to take from their allocation for prevention services.¹⁴
19. INAC has not sought increased funding authority for Band Representative services or children's mental health services for future years.¹⁵

¹⁰ Affidavit of Cassandra Lang sworn January 15, 2017, Exhibit 1 at page 2.

¹¹ Cross Examination of Cassandra Lang February 7, 2017 at page 28, lines 4-20.

¹² Cross examination of Cassandra Lang February 7, 2017 at page 26, line 8; pages 27, line 18 - page 29, line 4; Cross Examination of Cassandra Lang, February 7, 2017 at page 49, line 20 - page 52, line 5.

¹³ Affidavit of Cassandra Lang, sworn January 25, 2017, Exhibit 1, page 1 and Annex C.

¹⁴ Cross Examination of Cassandra Lang, February 7, 2017 at page 49, line 13 - page 51, line 17.

¹⁵ Cross Examination of Cassandra Lang February 7, 2017 at page 50, line 4 - page 51, line 17.

20. Therefore, as it stands, even if Canada allows expenditures for Band Representative services in future years, to fund such services First Nations or First Nations agencies would be required to take away from the prevention moneys that have been allocated, which are already in total less than what Canada judges is necessary to bring children into the discriminatory EPFA formula.

Canada has not funded Band Representative Services for Ontario First Nations

21. Canada has not agreed that it will provide Band Representative services in Ontario as part of immediate relief.¹⁶ Canada has not committed to any action to provide Band Representative Services other than “looking at” funding Band Representative services in the medium to long term.¹⁷
22. Canada’s position is that before considering funding the Band Representative program, it is required not only to determine the scope and need for Band Representative services in Ontario, but also to do so across the entire country.¹⁸
23. INAC’s affiant is aware that Band Representative roles are detailed in the *Child and Family Services Act*, and that some First Nations in Ontario are already providing Band Representative services out of non-INAC funding or their own revenue.¹⁹
24. INAC’s affiant admitted that despite the Tribunal’s orders to alleviate discrimination immediately, and despite the Tribunal’s finding that the failure to provide Band Representative services is discriminatory, INAC is not willing to undertake to provide those services in the immediate term.²⁰
25. There is no evidence that Canada has taken concrete steps to determine the costs of Band Representative programs in Ontario or in Canada, aside from “conversations” with its partners.
26. Even when specific proposals to provide Band Representative services are made, INAC has rejected those proposals. For example, Mushkegowuk Council in the James Bay region of Northern Ontario made a specific proposal to INAC for Band Representative services which was denied in less than 30 days.²¹

¹⁶ Affidavit of Deputy Grand Chief Denise Stonefish, sworn December 26 2016 at para 19.

¹⁷ Cross Examination of Cassandra Lang, February 7 2017 at page 42, line 160 – page 43, line 4.

¹⁸ Affidavit of Cassandra Lang sworn January 25, 2017 at para 24; Cross examination of Cassandra Lang February 7, 2017 at Page 38 Line 9 – Page 40 Line 6.

¹⁹ Cross Examination of Cassandra Lang February 7, 2017 at page 20, lines 20-25 and page 22, lines 19-24.

²⁰ Cross Examination of Cassandra Lang February 7, 2017 at page 42, line 8 – page 43, line 4.

²¹ Cross Examination of Cassandra Lang February 7, 2017 at page 33, line 2 – page 35, line 10.

Canada has not increased mental health services for First Nations children in Ontario

27. Canada has not budgeted for increases in mental health services for First Nations children in Ontario in the budget for 2016-2021 announced in 2016.²²
28. In response to the assertion of COO's affiant Deputy Grand Chief Stonefish that there was no increase in children's mental health funding in the budget, Health Canada's affiant pointed to existing \$300M of federal mental health funding available to all First Nations for people of all age groups across all of Canada, as well as an additional \$69M dollars of new mental health funding nationally for all age groups which was announced since the budget.²³ However, neither Health Canada nor INAC provided any evidence demonstrating that this funding has alleviated discrimination with respect to failure to provide children's mental health services.
29. INAC's affiant stated that it was necessary to coordinate with Health Canada and the provinces in order to address funding for mental health services for First Nations children in Ontario.²⁴
30. Despite this, to date little coordination has taken place.
31. Health Canada's affiant on Jordan's Principle has not had a meeting with INAC to discuss mental health service gaps for children in Ontario.²⁵
32. INAC's affiant said that INAC "would have" had a "couple" of conversations with Health Canada to discuss children's mental health services, but could recall only one such "conversation" specifically.²⁶
33. The government actors who would be charged with providing this funding do not even seem to understand the 1965 Agreement and the gaps it leaves in relation to children's mental health services. Health Canada's affiant stated in cross-examination that she "did not understand" the 1965 Agreement "fully", and in her cross examination by Nishnawbe Aski Nation's (NAN) counsel, did not appear to have an understanding that the 1965 Agreement did not provide for mental health services for First Nations children in Ontario.²⁷
34. Health Canada's affiant, under cross-examination, stated that although she did not have anyone with a thorough understanding of the 1965 Agreement reporting to her in the

²² Affidavit of Deputy Grand Chief Denise Stonefish sworn December 16, 2017 at para 20; Cross examination of Cassandra Lang, February 7, 2017 at page 51, line 18 – page 52, line 5.

²³ Affidavit of Robin Buckland sworn January 25, 2017 at para 24.

²⁴ Affidavit of Cassandra Lang sworn January 25, 2017 at para 24.

²⁵ Cross Examination of Robin Buckland February 6, 2017 at page 217, line 1 – page 218, line 2.

²⁶ Cross examination of Cassandra Lang February 7, 2017 at page 58, line 16 – page 60, line 13.

²⁷ Cross Examination of Robin Buckland February 6, 2017 at page 191, line 9 – page 193, line 24.

Jordan's Principle office, she was "confident" that her INAC colleagues did have that understanding and could identify any issues that may arise.²⁸

35. However, INAC's affiant did not know about the breadth of Health Canada's services nor Ontario's services available to First Nations children, saying that this was information INAC had not yet identified.²⁹
36. Despite being aware that it has no internal understanding of the gaps in children's mental health services, INAC has yet to take steps to internally identify the gaps in children's mental health services for First Nations children in Ontario.
37. INAC has no plan and no deadline for addressing these information gaps. When pressed about when INAC was likely to reach an internal understanding of the gaps in children's mental health services, INAC's affiant said INAC was "making an effort" but that "it's going to take time". When pressed as to how much time, INAC's affiant resisted providing any timeframe at all for when the work of merely identifying the gaps in children's mental health services would be complete.
38. INAC's affiant stated that the work of determining what mental health services may be needed is, in her view, a "medium to long term" question. When asked when INAC was going to start coordinating with Health Canada or Ontario on children's mental health issues, INAC's affiant was not able to point to a specific timeframe for when that work would be started or completed, saying only "we need to have those conversations. I can't speak to how long it will take to have those conversations, but we need to undertake that engagement which we are doing".³⁰
39. In cross-examination, INAC's affiant was evasive when asked if there was anyone within INAC tasked with the project of developing an internal understanding of the gaps in service provision for children's mental health services.³¹
40. INAC's affiant further resisted the suggestion in cross-examination that it may be useful to task a particular individual with responsibility for identifying gaps in children's mental health services and to set a deadline for that work. INAC's affiant only said that INAC could look at assigning the work to a specific person in the department with a deadline as a "possibility".³²
41. Health Canada's affiant agreed that the new approach to Jordan's Principle may be a way to meet some First Nation's children mental health needs. However, despite this, Canada has not taken steps to publicize the new approach to Jordan's Principle and the

²⁸ Cross Examination of Robin Buckland, February 6, 2017 at page 214, Line 23 – page 215, line 10.

²⁹ Cross Examination of Cassandra Lang, February 7, 2017 at page 52, line 6 – page 53, line 7; page 57, lines 3-9.

³⁰ Cross Examination of Cassandra Lang, February 7, 2017 at page 53, line 8 – page 55, line 4; page 60, line 23 – page 64, line 6.

³¹ Cross Examination of Cassandra Lang February 7, 2017 at page 62, line 12 – page 64, line 6.

³² Cross examination of Cassandra Lang February 7, 2017 at page 64, line 8 – page 65, line 20.

availability of Jordan's Principle funding to meet children's mental health needs to First Nations, Political-Territorial Organizations or First Nations agencies or service providers. The First Nations Child and Family Caring Society has in great detail in its submissions reviewed Canada's internal and external communications relating to the application of Jordan's Principle since January 2016, and COO relies on those submissions.

42. In response to questions for further information at the cross examinations, Health Canada advised that only 10 children nationally have received Jordan's Principle funding for mental health or addiction services.³³

Canada has not seriously sought to reform the 1965 Agreement

43. Canada has not held any serious discussions with Ontario toward the reform of the 1965 Agreement.
44. Canada's evidence on this motion overwhelmingly points to the fact that Canada has not undertaken an internal analysis of the gaps in services created by the 1965 Agreement, in advance of, or concurrent with, longer term reform discussions with First Nations partners and Ontario.
45. INAC's affiant stated that she was not an expert in the 1965 Agreement.³⁴ She confirmed that Canada has not completed an analysis of the gaps that exist under the 1965 Agreement and provided vague information that work was being done as a group with no individual assigned to do such work. However, she was unable to provide specifics of that work and admitted there was no internal deadline for completing any internal analysis of service gaps created by the 1965 Agreement.³⁵
46. Similarly, it does not appear that INAC has specifically tasked someone with or set a deadline for producing an analysis of gaps in service provision under the 1965 Agreement that may arise as a result of proposed amendments to the Ontario *Child and Family Services Act*.³⁶
47. INAC's recently appointed regional manager for Ontario – the person INAC's affiant cited as the person responsible for looking at the proposed legislative reforms to Ontario's *Child and Family Services Act* – does not have experience in the 1965 Agreement nor in child and family services.³⁷

³³ Information provided pursuant to the Cross Examination of Robin Buckland February 7 2017 at Page 256 Lines 9-11, provided in an email from M. Chan to all parties dated February 24, 2017 and provided in a common brief prepared by FNCFCS.

³⁴ Cross Examination of Cassandra Lang, February 7, 2017 at page 8, lines 3-7; page 9, lines 33 - 11.

³⁵ Cross Examination of Cassandra Lang, February 7, 2017 at page 78, line 8 – page 79, line 20; page 61 Line 21 – page 64, line 6; page 80, lines 3-24.

³⁶ Cross Examination of Cassandra Lang, February 7, 2017 at page 80, lines 3-24.

³⁷ Cross Examination of Cassandra Lang, February 7, 2017 at page 81, lines 2-24.

48. By the time of cross examinations on affidavits in this motion, INAC had had one meeting of the “Tripartite Working Group” between Canada, Ontario and Chiefs of Ontario, and had developed preliminary terms of reference for the working group. The subjects of Band Representative and mental health funding and reform of the 1965 Agreement were identified for “future discussion” at that meeting.³⁸
49. INAC’s affiant identified only three meetings between Canada and Ontario in which the subject of the 1965 Agreement was even raised. There is no evidence from INAC to suggest that those meetings resulted in any substantive discussions about reform to the 1965 Agreement or a plan to reform the 1965 Agreement, nor was there any apparent work product resulting from those meetings.³⁹

Canada has not agreed to an Ontario Special Study to examine the service gaps in Ontario that arise under the 1965 Agreement.

50. Despite all of the knowledge gaps within INAC and Health Canada, Canada has not yet committed to funding an Ontario “Special Study” to determine what service gaps are created by the 1965 Agreement, and how to address those gaps.⁴⁰

WHAT REMEDIES SHOULD THE TRIBUNAL ORDER?

The Tribunal should find that Canada continues to discriminate against First Nations children in Ontario

FINDINGS OF THE TRIBUNAL

51. On January 26, 2016, the Canadian Human Rights Tribunal (the “Tribunal”) found at 2016 CHRT 2 that Canada is discriminating against First Nations children across Canada and in Ontario.⁴¹
52. The Tribunal made numerous findings in the January 2016 Decision with respect to provision of child welfare services in Ontario which are germane to this motion
- (a) With respect to the **1965 Indian Welfare Agreement** (“the 1965 Agreement”)

³⁸ Affidavit of Cassandra Lang sworn January 15, 2017 at para 23.

³⁹ Affidavit of Cassandra Lang (“October Compliance Report”) sworn January 25, 2016, Exhibit 2 at page 15.

⁴⁰ Affidavit of Deputy Grand Chief Stonefish sworn December 16, 2016 at para 21.

⁴¹ *First Nations Child and Family Caring Society of Canada et al. v Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, 2016 CHRT 2 (CanLII) (“January 2016 Decision”).

"The sections of the [1965] [A]greement dealing with child and family services have not been updated since 1981, and the Schedules to the agreement have not been updated since 1998. This is significant given in 1984 Ontario implemented the Child and Family Services Act, which incorporated elements from other pieces of legislation (for example, youth justice and mental health) to address the child and family services needs of Ontarians. At that time, the Government of Canada took the position that AANDC did not have the mandate or resources to start funding justice and health programs, as those types of programs would fall under a different department".⁴²

[...]

*The Panel finds the situation in Ontario **falls short of the objective of the 1965 Agreement** "...to make available to the Indians in the Province the full range of provincial welfare programs"⁴³.*

[...]

*While seemingly an improvement on Directive 20-1 and more advantageous than the EPFA, the application of the 1965 Agreement in Ontario also results **in denials of services and adverse effects** for First Nations children and families. For instance, given the agreement has not been updated for quite some time, it does not account for changes made over the years to provincial legislation for such things as mental health and other prevention services. This is further compounded by **a lack of coordination amongst federal programs in dealing with health and social services that affect children and families in need**, despite those types of programs being synchronized under Ontario's Child and Family Services Act. **The lack of surrounding services to support the delivery of child and family services on-reserve, especially in remote and isolated communities, exacerbates the gap further.**⁴⁴*

*AANDC's design, management and control of the FNCFS Program, along with its corresponding funding formulas and the other related provincial/territorial agreements have resulted in denials of services and created various adverse impacts for many First Nations children and families living on reserves. Non-exhaustively, **the main adverse impacts found by the Panel are:***

⁴² January 2016 Decision at para 223.

⁴³ January 2016 Decision at para 246.

⁴⁴ January 2016 Decision at para 392.

[...]

- ***The application of the 1965 Agreement in Ontario that has not been updated to ensure on-reserve communities can comply fully with Ontario's Child and Family Services Act.***⁴⁵

[Emphasis added]

(b) **With Respect to Children's Mental Health Services**

*[Health Canada] programs focus more on prevention and **mostly deal with adult issues. Health Canada programs do not specifically deal with children in care and do not cover mental health counseling**.*⁴⁶

(c) **With Respect to Band Representative Services**

*The discordance between the objectives and the actual implementation of the program is also exemplified by the lack of funding in Ontario, for Band Representatives under the 1965 Agreement. Not only does the Band Representative address the need for culturally relevant services, but it also addresses the goal of keeping families and communities together and is directly provided for in Ontario's Child and Family Services Act.*⁴⁷

[...]

*There is also discordance between Ontario's legislation and standards for providing culturally appropriate services to First Nations children and families through the appointment of a Band Representative and AANDC's lack of funding thereof. Tellingly, AANDC's position is that it is not required to cost-share services that are not included in the 1965 Agreement.*⁴⁸

[Emphasis Added]

ORDERS MADE BY THE TRIBUNAL THUS FAR

53. In the January 2016 Decision, the Tribunal made the following order:

⁴⁵ January 2016 Decision at para 458.

⁴⁶ January 2016 Decision at para 241.

⁴⁷ January 2016 Decision at para 348.

⁴⁸ January 2016 Decision at para 392.

*AANDC is ordered to cease its discriminatory practices and reform the FNCFS Program and 1965 Agreement to reflect the findings in this decision.*⁴⁹

54. In its order dated September 14, 2016, the Tribunal again summarized its findings with respect to the ways in which the First Nations Child and Family Services Program, as administered in Ontario through the 1965 Agreement, discriminates against First Nations children:

*With respect to the 1965 Agreement in Ontario, the Decision found that, while it was seemingly an improvement on Directive 20-1 and more advantageous than the EPFA, **the application of the 1965 Agreement in Ontario also results in denials of services and adverse effects for First Nations children and families.** The Agreement has not been updated for quite some time and **does not account for changes made over the years to the Ontario's Child and Family Services Act for such things as mental health and other prevention services.** This is further compounded by a lack of coordination amongst federal programs in dealing with health and social services that affect children and families in need, despite those types of programs being synchronized under the Ontario's Child and Family Services Act.*⁵⁰ [Emphasis added]

55. The Tribunal asked for more information from Canada in its September 2016 Decision, including information about how Canada's 2016-2017 budget investments addressed the findings in the January 2016 Decision in the short term while the 1965 Agreement is being reformed, in particular with respect to Band Representative services and children's mental health services.⁵¹
56. It is clear from the reporting and the evidence on this motion that Band Representative services are not being funded.⁵²
57. With respect to children's mental health services in Ontario, it is clear that there has been either no increase or no significant increase in service to address the gaps created by the 1965 Agreement. Canada has not even undertaken any internal analysis to determine what those gaps are.⁵³
58. Where Jordan's Principle may meet unmet mental health needs, Canada has not alleviated those needs through the use of the Jordan's Principle fund (with the exception of 10 children nationally), nor has it internally or externally communicated

⁴⁹ January 2016 Decision at para 481.

⁵⁰ 2016 CHRT 16 ("September 2016 Decision") at para 67.

⁵¹ September 2016 Decision at paras 73 and 74.

⁵² See paras 21-26, *supra*.

⁵³ See paras 27-42, *supra*.

that Jordan's Principle is able to meet unmet children's mental health needs in Ontario. Indeed, the evidence suggests that where a need has been identified, as in the case of Wapakeka First Nation, Jordan's Principle did not meet that need.⁵⁴

59. Therefore, the discrimination first identified in the January 2016 decision with respect to the failure to provide Band Representative services and the failure to provide children's mental health services is ongoing and COO is asking the Tribunal to find that the discrimination continues as of the date of its Order.

The Tribunal should order clear and concrete remedies that respond to the discrimination identified

60. For the reasons that follow, Chiefs of Ontario is requesting that the Tribunal order remedies that are both **specific** and have **deadlines** attached to them.
61. It is well-established that the Tribunal's remedial powers are to be interpreted broadly and liberally, with a view to achieving the purposes of the CHRA.⁵⁵ As the Supreme Court has explained on a number of occasions, the key purpose of the CHRA is to eradicate and prevent discrimination.⁵⁶
62. To realize this purpose, the Tribunal's remedial orders must be meaningful and effective.⁵⁷ A meaningful remedial order is "relevant to the experience of the claimant" and "address[es] the circumstances in which the right was infringed or denied."⁵⁸ An effective remedial order should minimize delay and difficulty;⁵⁹ it should yield *concrete action* that verifiably ameliorates the discrimination identified. Crafting a remedy that is both meaningful and effective may require "flexibility and imagination" on the part of the Tribunal.⁶⁰
63. In crafting remedies, the Tribunal must also be cognizant of its institutional role as a quasi-judicial body.⁶¹ However, as the Supreme Court explained in *Doucet-Boudreau*,

⁵⁴ See paras 41-42, *supra*; Cross Examination of Robin Buckland, February 6, 2017 at page 227 line 24 – page 228, line 8.

⁵⁵ CHRA, s 2; *CN Railway v Canada (Canadian Human Rights Commission)*, [1987] 1 SCR 1114, 1987 CanLII 109 (SCC) at 1134, 1136; *Ontario Human Rights Commission v Simpsons-Sears Ltd.*, [1985] 2 S.C.R. 536 at para 12.

⁵⁶ *CN Railway v Canada (Canadian Human Rights Commission)*, *supra* note 55 at p. 1134; *Robichaud v Canada (Treasury Board)*, [1987] 2 SCR 84 at 89-90.

⁵⁷ *Doucet-Boudreau v Nova Scotia (Minister of Education)*, [2003] 3 SCR 3, 2003 SCC 62 at para 25; *Ball v Ontario*, 2010 HRTO 360 at paras 164-170.

⁵⁸ *Doucet Boudreau*, *supra* note 57 at para 55; *Moore v British Columbia (Minister of Education)*, 2012 SCC 61; *Hughes v Elections Canada*, 2010 CHRT 4 at paras 50-51.

⁵⁹ *Doucet Boudreau*, *supra* note 57 at para 55.

⁶⁰ *Quebec (Commission des droits de la personne et des droits de la jeunesse) v Communauté urbaine de Montréal*, 2004 SCC 30 (CanLII), [2004] 1 SCR 789, at para 26; see also *Doucet-Boudreau*, *supra* note 57 at paras 24-25 and 94; *Grover v Canada (National Research Council)* (1994), 24 CHRR D/390 (FC) at para 40.

⁶¹ *Hughes*, *supra* note 58 at para 69.

the boundaries of that role will vary according to the right at issue and the context of each case.⁶²

64. In this case, there are several reasons for the Tribunal to adopt a robust remedial approach and order clear, defined and specific remedial orders.
65. First, every day that INAC fails to act to address the discrimination the January 2016 Decision, more “First Nations children are denied an equitable opportunity to remain with their families”.⁶³ This represents a profound, and in many cases, irreparable cultural and personal loss for children and communities.⁶⁴ All fundamental human rights must be given “full recognition and effect” through meaningful and effective remedies.⁶⁵ However, in contexts where effect of non-compliance is irreparable cultural loss, there is a strong case for clear, directive remedial measures that will ensure effective and timely action.⁶⁶
66. Second, regardless of whether INAC in good faith intends to address the discrimination the Tribunal identified, its record to date reveals a pattern of delay and inaction. The Tribunal’s decision on the merits found that INAC was already aware of the shortfalls in its funding formula prior to the Tribunal’s ruling, and that INAC failed to respond to numerous reports and studies recommending that it alter its approach.⁶⁷ In the year since the decision, little has changed with respect to funding for Band Representatives and children’s mental health, and little progress has been made to come to a plan about how to address the discrimination more broadly.
67. Where the respondent has failed to act to address discrimination in a timely way, human rights tribunals have tended to make more specific and robust remedial orders. In *Hughes v Elections Canada*, for example, the Tribunal held that Elections Canada had discriminated against Mr. Hughes on the basis of disability by failing to provide him with an accessible polling station. When crafting a remedy, the Tribunal concluded a stronger and more directive future practices order was required because Elections Canada, having had notice of Mr. Hughes’ complaint, had failed to improve the accessibility of the polling location in time for the next election 11 months later.⁶⁸
68. Third, the Tribunal’s more deferential and general orders have not been effective in prompting INAC to take concrete action to this point. As a result, the Tribunal must take more robust action in order to ensure its orders have their intended effect. This was the

⁶² *Doucet-Boudreau*, *supra* note 57 at para 36.

⁶³ January 2016 Decision at para 385.

⁶⁴ *Ibid* at paras 422, 426

⁶⁵ *Ibid* at para 469.

⁶⁶ See, for instance, *Doucet-Boudreau*, *supra* note 57 at paras 38-40, where the context of irreparable cultural harm and assimilation associated with denial of the right to minority language schooling contributed to the Trial Judge’s decision to rely on a structural injunction to monitor progress on his remedial orders.

⁶⁷ January 2016 Decision at paras 187, 197, 292-301, 461.

⁶⁸ *Hughes*, *supra* note 58 at 70.

Ontario Human Rights Tribunal's approach in *McKinnon v Ontario (Corrections Services)*. In that case, the Tribunal concluded that Mr. McKinnon had been subject to racist harassment in his workplace, contrary to the *Ontario Human Rights Code*. Among other things, it ordered the Ministry to establish a human rights training program approved by the Commission within 6 months.⁶⁹ The Tribunal retained jurisdiction to supervise the implementation of its orders.⁷⁰

69. In a subsequent decision in *McKinnon*, the Tribunal noted that its prior orders had not prompted the Ministry to bring its policies and practices into compliance with the Code. It concluded more direct and comprehensive orders were called for:

Having found that the orders have not been complied with, that the atmosphere of the Centre remains poisoned, that the complainant has suffered post-decision harms similar to those identified in the 1998 decision, I am obviously called upon to do something about it. In my opinion, since the Ministry failed to implement the original order, the authority I have under s.41(1)(a) of the Code to direct it to do anything that, in my opinion, it ought to do 'to achieve compliance with this Act in respect of the complaint and in respect of future practices' remains operative; and it is incumbent upon me to exercise it. In doing so I must address the root causes of the 'problem at Metro East,' the most critical of which continues to be 'the indifference, ineptitude and bad faith of management at all levels' in dealing with race-based complaints and [Workplace Discrimination and Harassment Protection] matters generally, and I must do so far more carefully, directly, and comprehensively than was done in the 1998 orders. [emphasis added].⁷¹

70. The time has come in this case, too, for a more direct remedial approach. This is not a question of punishing the respondent, but rather of ensuring that the ongoing discrimination is addressed without further delay.
71. In making these orders, COO asks that the Tribunal set clear and firm deadlines for action.
72. It has been over 13 months since the Tribunal found that Canada was discriminating against First Nations children and families in the provision of funding for child welfare services. In that period, Canada has taken few steps towards addressing two key areas of discrimination that the Tribunal identified as being the most pressing in Ontario: Band Representatives, mental health services. As the Tribunal identified in 2016 CHRT 10,

⁶⁹ *McKinnon and Ontario Human Rights Commission v Ontario (Ministry of Correctional Services)*, Frank Geswaldo, George Simpson, P. James and Jim Hume, [1998] OHRBID No 10, 32 CHHR D/1 at para 335.

⁷⁰ *Ibid* at para 336.

⁷¹ *McKinnon v Ontario (Ministry of Correctional Services)*, [2002] OHRBID No 22 at para 238; affirmed on appeal in *Ontario v McKinnon*, 2004 CanLii 47147 (ONCA).

*Some reforms to the FNCFS Program will require a longer-term strategy; however, it is still unclear why or how some of the findings above cannot or have not been addressed within the three months since the Decision. Instead of being immediate relief, some of these items may now become mid-term relief.*⁷²

73. Tribunals across Canada, including the CHRC, regularly impose deadlines for compliance with their orders, whether the order has been made against a private party⁷³ or a government actor.⁷⁴ Clear, precise deadlines increase the effectiveness of a remedy by clarifying for all parties first, the speed at which the Respondent is expected to act and second, precisely when the Respondent has failed to comply with the order imposed on them. This allows complainants and interested parties to seek further assistance from the Tribunal in a timely fashion. Imposing clear deadlines for compliance on the orders made on this motion will help reduce the risk that Canada will continue to rely on “conversations” to the exclusion of concrete action.
74. In recognition of the urgency of remedying discrimination already identified under human rights legislation, timelines imposed for compliance with systemic orders are typically short. For example:
- (a) In *Hughes v Canada (Elections Canada)*, the Tribunal gave Elections Canada six months to rework its accessibility policies; revise its standard leases for polling stations; and implement a procedure for verifying the accessibility of each polling station;⁷⁵
 - (b) In *Ball v Ontario*, the Ontario Human Rights Tribunal gave the officials responsible for administering Ontario Works and the Ontario Disability Support program three months to provide the special diet allowance to individuals with hypoproteinemia, hypercholesterolemia, hypertension, and obesity in accordance with the Code principles set out in their Decision;⁷⁶ and,
 - (c) In *Moore v. Canada (Treasury Board)*, which found the exclusion of same-sex partners from spousal benefits to be contrary to the Canadian Human rights Act, the Tribunal gave Canada 60 days to complete an inventory of all legislation, regulations, and directives which discriminate against same-sex common-law couples and to offer a proposal for the elimination of all such discriminatory provisions.⁷⁷

⁷² *First Nations Child and Family Caring Society of Canada et al. v Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, 2016 CHRT 10 (CanLII) (“April 2016 Decision”) at para 21.

⁷³ *Turnbull v Famous Players Inc.*, (2001) 40 CHHR D/33 at 87.

⁷⁴ *Hughes*, *supra* note 58 at para 100.

⁷⁵ *Ibid* at para 100.

⁷⁶ *Ball*, *supra* note 58 at para 180.

⁷⁷ *Moore v Canada (Treasury Board)*, 1996 CanLii 533 (CHRT) at 38.

75. Where there is evidence that a Respondent has been dragging its heels on implementation, or is failing to take its human rights obligations seriously, the Tribunal is justified in imposing a short timeline for compliance.⁷⁸

The Tribunal should order Canada to provide funding for the Band Representative program and Mental Health Services

76. This motion deals with immediate relief. For Ontario First Nations affected by INAC's discriminatory approach to funding under the 1965 Agreement, there are two clear and discrete sources of discrimination that can be addressed immediately: the total lack of funding for the band representative program and significant gaps in funding for children's mental health services. COO asks that the Tribunal direct INAC to provide funding for these programs.
77. It is not unusual in Canadian human rights jurisprudence for a tribunal to order a government actor or a private party to provide a service, and to adequately fund that service, where this is required to provide a meaningful and effective remedy to discrimination. For example, in *Ball v. Ontario (Community and Social Services)*, the Ontario Human Rights Tribunal found that the Ontario Works and Ontario Disability Support Program discriminated on the basis of disability because they failed to provide special diet benefits to individuals with four specific disabilities - hypoproteinemia, hyperlipidemia, hypertension, and obesity. Although the Tribunal acknowledged the remedy touched on "government policy and the design of a complex social welfare scheme", the Tribunal nonetheless directed the government to provide special diet benefits to people with those conditions.⁷⁹ To operationalize this, the Tribunal ordered the respondent to retain an expert to develop a special diet program *that* would meet the requirements of the Code, as described in its decision, within 12 months.⁸⁰ It also insisted that these programs be reasonably funded.⁸¹
78. Similarly, in *Kavanagh v Canada*, the Canadian Human Rights Tribunal concluded that Corrections Canada's policy not to fund sex reassignment surgery for inmates in federal prisons discriminated on the basis of sex. It specified that decisions about whether sex reassignment surgery should be funded for a particular inmate should be made by a qualified physician from a recognized gender identity disorder clinic with knowledge of the case. Although this was not how medical assessments and referrals were ordinarily made in federal penitentiaries, the Tribunal concluded that this special process was required to realize substantive equality. It ordered Corrections Canada to formulate a new policy consistent with this approach within 6 months.⁸²

⁷⁸ *Lepofsky v Toronto Transit Commission*, 2007 HRTO 23 at para 14; 2007 HRTO 41 at paras 2-5, 12.

⁷⁹ *Ball v Ontario*, *supra* note 57 at paras 163, 172.

⁸⁰ *Ibid* at para 162.

⁸¹ *Ibid* at paras 102-108.

⁸² *Kavanagh v Canada (Attorney General)*, 2001 CanLII 8496 (CHRT) at paras 185-186, 200.

79. On judicial review, Corrections Canada challenged this remedy, arguing the Tribunal erred in leaving the question of whether surgery should be funded to the inmate's doctor, rather than the government. The Federal Court dismissed the challenge, noting:

*I do not take issue with the conclusion that the role of the court is limited when reviewing policy-based determinations by officials who are accountable for public funds. However, the right of government to allocate resources as it sees fit is not unlimited. It must be exercised according to law. The government's right to allocate resources cannot override a statute such as the Canadian Human Rights Act....*⁸³

REMEDY FOR BAND REPRESENTATIVE SERVICES

80. A similar approach is warranted in this case. The Tribunal has already found that the lack of funding for Band Representatives is one of the main adverse impacts of Canada's discrimination, and a way that Canada fails to provide culturally appropriate services to First Nations children and families in Ontario.⁸⁴

81. The Tribunal's conclusions were echoed and affirmed by the Ontario Superior Court in *Catholic Children's Aid Society of Hamilton v. G.H., T.V. and Eastern Woodlands Métis of Nova Scotia*,⁸⁵ a case dealing with the exclusion of Metis children from the "very significant protections" set out in the *Child and Family Services Act*. The Court concluded that the denial of services under the Act, and particularly band representative services, constituted discrimination contrary to the *Canadian Charter of Rights and Freedoms*.⁸⁶ The Court said:

*Furthermore, the advantage of having an Indian band or native community representative involved at all stages of child welfare intervention and the requirement of consultation with these representatives is enormous. These representatives play a vital role in ensuring that child welfare staff and the courts have a full appreciation of the child's cultural heritage, traditions and needs before making decisions about the child. They work to ensure that the child receives culturally appropriate services and placements. Furthermore, they often support the plan advanced by a parent and assist that parent in advancing the plan by highlighting how it will foster the child's ties to their Aboriginal community (citation omitted).*⁸⁷

⁸³ *Canada (Attorney General) v Canada (Human Rights Commission)*, 2003 FCT 89 (CanLII) at paras 52-53; see also, *Kelso v The Queen*, [1981] 1 SCR 199, 1981 CanLII 171 at 207.

⁸⁴ January Decision at paras 392, 425-426.

⁸⁵ *Catholic Children's Aid Society of Hamilton v G.H., T.V. and Eastern Woodlands Métis of Nova Scotia*, 2016 ONSC 6287.

⁸⁶ *Ibid* at paras 80, 89.

⁸⁷ *Ibid* at para 89.

82. The role of a Band Representative is clear and the program is already defined. The *Child and Family Services Act* sets out the role of Band Representatives in the provincial child protection scheme.⁸⁸ Canada is familiar with this role from its prior funding of the Band Representative program. Many communities already have a band representative that they pay with their own source revenue. There is no real question about what a band representative does, or how they do it. All that INAC has to do is create a budget line that communities wishing to provide this service can access. COO accordingly submits that INAC should be ordered to make reasonable funding available for Band Representative programs in Ontario, at actuals, until such time as any studies are completed or until the Tribunal makes a further order on the subject matter.
83. Therefore Chiefs of Ontario requests the following order:
- (a) An order that Canada shall fund Band Representative services for Ontario First Nations, at the actual cost of providing those services, until further order of the Tribunal, within 30 days of the Tribunal's order.

REMEDY FOR CHILDREN'S MENTAL HEALTH SERVICES

84. COO makes a similar request in relation to funding for children's mental health services. The Tribunal has identified the gap in mental health services available to First Nations children as a discriminatory effect of the 1965 Agreement.⁸⁹ Canada is aware, generally, that such gaps exist.⁹⁰
85. In its second order on compliance in September, the Tribunal directed INAC to demonstrate how its investments address "the findings in the *Decision* [in Relation to the 1965 Agreement] in the short term, especially in terms of mental health services and Band Representatives."⁹¹
86. Canada though its evidence and witnesses on this motion attempted to create an impression that it could not possibly know how to fund children's mental health services without having unending "conversations" with First Nations and provincial partners and Health Canada.
87. Chiefs of Ontario submits that it is easy to establish which mental health services are provided to Ontario children under the *Child and Family Services Act*, and how they are provided. All Canada must do is speak to Ontario, which currently funds such services for children and youth off-reserve as part of its child welfare programming. The arrangements under the 1965 Agreement are a simple way to allow agencies to provide such services to First Nations children and youth until longer-term reform occurs. For

⁸⁸ *Child and Family Services Act*, RSO 1990 c c-11, ss 35, 36, 54(3), 58 ; 61; 64; 69; 116; 141.2; 144.

⁸⁹ January 2016 Decision at paras 223, 241.

⁹⁰ See para 54, *supra*; Cross Examination of Robin Buckland February 7 2017, at page 241, lines 7-13.

⁹¹ September 2016 Decision at para 73.

instance, the agencies can provide such services to First Nations children on reserve on the same basis as is done in the rest of Ontario, and Canada can fund those services.

88. In addition, as Canada's affiant admitted, "group proposals" for mental health services emanating from First Nations are another way that Canada may fund mental health treatment.⁹² This is another way in which Canada may meet those needs until program reform has taken place, but it is ill-publicized and the evidence as set out by the Caring Society suggests that Canada has not been applying Jordan's Principle in this manner.
89. The problem is not one of knowledge or policy design. It is one of commitment. There is no dedicated funding envelope for such services in Ontario, there is no evidence that Canada has intended to use Jordan's Principle funding to systematically increase mental health services in Ontario, and there is no evidence that Canada has advertised the Jordan's Principle funding as a way that mental health needs may be met.⁹³
90. Chiefs of Ontario recognizes that it may not be a perfect solution to provide services on the same basis and through the same delivery mechanisms to children and youth not resident on reserves in Ontario. It is likely that community-based solutions as well as agency-based solutions will be required and will ideally meet the needs of First Nations youth in Ontario. However, those decisions are the intended product of medium and long-term consultation and reform. In the meantime, immediate action is required to increase the levels of service to alleviate discrimination in the immediate term.
91. Chiefs of Ontario does not ask the Tribunal to design the program by which children's mental health services are funded. It simply asks the Tribunal to order Canada to present, in short order, a mechanism to deliver such these services in a way that ameliorates the discriminatory gap in children's mental health services available to First Nations children and youth in care.
92. Accordingly, Chiefs of Ontario asks the Tribunal to order the following:
- (a) An order that, within 30 days, Canada shall reasonably fund mental health services to First Nations children and youth in Ontario.
 - (b) Canada shall, within 7 days of the Tribunal's order, send internal and external communications to all Ontario First Nations, the First Nations Child and Family Services agencies, the Political-Territorial Organizations and to COO, notification that Jordan's Principle funding is available to fill the unmet mental health care needs of First Nations children, and publish such communication on its website where the Jordan's Principle information is found.

The Tribunal should order Canada to undertake a "Special Study"

93. This motion is for immediate relief. However, it is clear that addressing the full scope of the discrimination against First Nations children in Ontario will require more substantial

⁹² See, for example, Cross Examination of Robin Buckland February 6 2017, at page 72, lines 6-21.

⁹³ See para 41, *supra*.

reform over the medium to long term. In its compliance reports to date and on cross-examination, Canada has identified that it is aware that there are information gaps, and cited those gaps as a barrier to addressing the discrimination that arises out of its approach to service provision. In the past 13 months, it has made little progress on addressing those gaps, or even identifying the gaps.⁹⁴

94. The Tribunal may order studies where it is necessary to achieve compliance with its orders. In *Lepofsky v Toronto Transit Commission*, for example, the Ontario Human Rights Tribunal concluded that the Toronto Transit Commission was discriminating against visually impaired riders by failing to call out subway stops, and imposed a comprehensive set of systemic remedies.⁹⁵ The Tribunal directed the Toronto Transit Commission to conduct regular surveys of how regularly and consistently subway stop announcements were made, and to report on the findings of those studies to the Tribunal by letter each month.⁹⁶ These studies, which monitored compliance with prior awards and identified continuing discriminatory gaps, helped the Tribunal to determine whether and when further orders that would be required.
95. To ensure that medium and longer term relief measures will be designed and implemented before another generation of First Nations children have grown up in a discriminatory system, COO requests that the Tribunal shall order Canada ordered to conduct an Ontario Special Study, to be conducted by independent expert(s) accepted by COO and NAN and fully funded by Canada. The Ontario Special Study should be completed within one year and should:
- (a) identify the gaps in services to First Nations children in the child welfare system arising out of the application of the 1965 Agreement;
 - (b) identify the gaps in services that will exist under the amendments to the *Child and Family Services Act* promulgated by Ontario;
 - (c) identify appropriate program reform options and/or funding formulae or new structures to address those gaps, accounting for remoteness in all of the above, and
 - (d) address any other matters agreed to by Chiefs of Ontario, NAN, Canada, and Ontario (if Ontario chooses to participate).

The Tribunal should remain seized

96. Chiefs of Ontario is asking the Tribunal to remain seized with respect to any orders it makes arising out of this motion or out of the evidence it has heard on this and the other Complainant and Interested Party motions.

⁹⁴ See paras 21-42, *supra*.

⁹⁵ *Lepofsky v Toronto Transit Commission*, 2005 HRTO 20; *Lepofsky v Toronto Transit Commissioner*, 2005 HRTO 36.

⁹⁶ *Lepofsky v Toronto Transit Commission*, 2005 HRTO 20 at para 5.

97. Given the ongoing delays in implementation of the Tribunal's orders to date, and the harms associated with ongoing delays, COO submits that INAC should be required, through the submission of sworn evidence that may be subject to cross-examination by the parties, to prove it has implemented the Tribunal's orders within 60 days.

ORDERS REQUESTED

98. Chiefs of Ontario requests the following orders:

- (i) A finding that in its failure to provide Band Representative services and to increase children's mental health services in Ontario since the January 2016 decision, the Respondent continues to discriminate against First Nations children in Ontario.
- (ii) An order that Canada shall fund Band Representative services for Ontario First Nations, at the actual cost of providing those services, until further order of the Tribunal, within 30 days of the Tribunal's order.
- (iii) An order that, within 30 days, Canada shall fund mental health services to First Nations children and youth in Ontario.
- (iv) Canada shall, within 7 days of the Tribunal's order, send internal and external communications to all Ontario First Nations, the First Nations Child and Family Services agencies, the Political-Territorial Organizations and to COO, notification that Jordan's Principle funding is available to fill the unmet mental health care needs of First Nations children, and publish such communication on its website where the Jordan's Principle information is found.
- (v) An order that Canada shall fund an independent expert agreed to by Chiefs of Ontario and NAN to conduct an "Ontario Special Study" who will produce a report within one year of the Tribunal's order which identifies:
 - (A) identify the gaps in services to First Nations children in the child welfare system arising out of the application of the 1965 Agreement;
 - (B) identify the gaps in services that will exist under the amendments to the *Child and Family Services Act* promulgated by Ontario;
 - (C) identify appropriate program reform options and/or funding formulae or new structures to address those gaps, accounting for remoteness in all of the above, and
 - (D) address any other matters agreed to by Chiefs of Ontario, NAN, Canada, and Ontario (if Ontario chooses to participate).
- (vi) An order that Canada fund Chiefs of Ontario to participate in the development and conduct of the Ontario Special Study.
- (vii) An order that, within 45 days, INAC must submit sworn evidence that may be subject to cross-examination by the parties, to prove it has implemented the Tribunal's orders.

- (viii) An Order that the Tribunal remain seized in the implementation of this Order.
- (ix) Any such further orders that counsel may advise or that this Tribunal may deem fit.

99. Chiefs of Ontario asks that any orders that the Tribunal makes in respect of this motion take into account and address remoteness and isolation factors, as highlighted by Nishnawbe Aski Nation in its submissions. Chiefs of Ontario adopts NAN's submissions in respect of how remoteness factors in Ontario should be addressed in the immediate relief stage.

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 28TH DAY OF FEBRUARY, 2017



Maggie Wente and Krista Nerland
Olthuis Kleer Townshend LLP
250 University Avenue 8th Floor
Toronto, ON
M5H 3E5
416-981-9330
mwente@oktlaw.com
knerland@oktlaw.com

Counsel for the Interested Party Chiefs of Ontario

TO:

CANADIAN HUMAN RIGHTS TRIBUNAL

Attn: Dragisa Adzic, Registry Officer

160 Elgin Street, 11th Floor
Ottawa, ON K1A 1J4

Jonathan Tarlton, Melissa Chan

Atlantic Regional Office

JUSTICE CANADA

Duke Tower, 5251 Duke Street, Suite 1400

Halifax, NS B3J 1P3

Phone: (902) 426-5959

Fax: (902) 426-8796

Counsel for the Respondent, the Attorney General of Canada

Anne Levesque, David P. Taylor, Sébastien Grammond & Sarah Clarke

JURISTES POWER | POWER LAW
130 Albert Street, Suite 1103
Ottawa, ON K1P 5G4
Phone: (613) 702-5568
Fax: 1 (888) 404-2227
Counsel for the Complainant,
First Nations Child and Family Caring Society of Canada

David C. Nahwegahbow
NAHWEGAHBOW, CORBIERE
Genoodmagejig/Barristers & Solicitors
5884 Rama Road, Suite 109
Rama, ON L3V 6H6

-and-

Stuart Wuttke and Violet Ford
ASSEMBLY OF FIRST NATIONS
55 Metcalfe Street, Suite 1600
Ottawa, ON K1P 6L5
Phone: (613) 241-6789
Fax: (613) 241-5808
Co-Counsel for the Complainant, Assembly of First Nations

Daniel Poulin & Samar Musallam
Litigation Services Division
Canadian Human Rights Commission
344 Slater Street, 9th Floor
Ottawa, ON K1A 1E1
Phone: (613) 947-6399
Fax: (613) 943-3089
Counsel for the Canadian Human Rights Commission

Julian Falconer and Akosua May Matthews
10 Alcorn Avenue, Suite 204
Toronto, ON M4V 3A9
T: 416-964-0495 ext. 250 | F: 416-929-8179
Counsel for the Interested Party, Nishnawbe Aski Nation

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CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and
ASSEMBLY OF FIRST NATIONS**

Complainants

-and-

CANADIAN HUMAN RIGHTS COMMISSION

Commission

-and-

**ATTORNEY GENERAL OF CANADA
(representing the Minister of Indigenous and Northern Affairs Canada)**

Respondent

-and-

**CHIEFS OF ONTARIO and
NISHNAWBE ASKI NATION**

Interested Parties

**IMMEDIATE RELIEF FACTUM
OF THE INTERESTED PARTY NISHNAWBE ASKI NATION ("NAN")**

FALCONERS LLP
Barristers-at-Law
10 Alcorn Avenue, Suite 204
Toronto, Ontario M4V 3A9

Tel.: (416) 964-0495
Fax: (416) 929-8179

Julian N. Falconer	L.S.U.C. # 29465R
Anthony Morgan	L.S.U.C. # 64163F
Akosua Matthews	L.S.U.C. # 65621V

**Lawyers for the Interested Party,
Nishnawbe Aski Nation ("NAN")**

TO: CANADIAN HUMAN RIGHTS TRIBUNAL
Attn: Dragisa Adzic, Registry Officer
160 Elgin Street, 11th Floor
Ottawa, ON K1A 1J4

AND TO: Jonathan Tarlton, Melissa Chan
Atlantic Regional Office
JUSTICE CANADA
Duke Tower, 5251 Duke Street, Suite 1400
Halifax, NS B3J 1P3
Phone: (902) 426-5959
Fax: (902) 426-8796

Counsel for the Respondent, the Attorney General of Canada
("Canada/Respondent")

AND TO: Anne Levesque, David P. Taylor, Sébastien Grammond & Sarah Clarke
JURISTES POWER | POWER LAW
130 Albert Street, Suite 1103
Ottawa, ON K1P 5G4
Phone: (613) 702-5568
Fax: 1 (888) 404-2227

Counsel for the Complainant,
First Nations Child and Family Caring Society of Canada ("the Caring Society")

AND TO: David C. Nahwegahbow
NAHWEGAHBOW, CORBIERE
Genoodmagejig/Barristers & Solicitors
5884 Rama Road, Suite 109
Rama, ON L3V 6H6

Stuart Wuttke
ASSEMBLY OF FIRST NATIONS
55 Metcalfe Street, Suite 1600
Ottawa, ON K1P 6L5
Phone: (613) 241-6789
Fax: (613) 241-5808

Co-Counsel for the Complainant, Assembly of First Nations ("the AFN")

AND TO: Daniel Poulin & Samar Musallam
Litigation Services Division
Canadian Human Rights Commission

344 Slater Street, 9th Floor
Ottawa, ON K1A 1E1
Phone: (613) 947-6399
Fax: (613) 943-3089

Counsel for the Canadian Human Rights Commission ("the Commission")

AND TO: Maggie Wente
Olthuis, Kleer, Townshend LLP
250 University Avenue, 8th floor
Toronto, ON M5H 3E5
Tel: (416) 981-9330
Fax: (416) 981-9350

Counsel for the Interested Party, the Chiefs of Ontario ("COO")

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CANADIAN HUMAN RIGHTS TRIBUNAL**BETWEEN:**

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**ATTORNEY GENERAL OF CANADA
(representing the Minister of Indigenous and Northern Affairs Canada)**

Respondent**-and-**

**CHIEFS OF ONTARIO and
NISHNAWBE ASKI NATION**

Interested Parties

**IMMEDIATE RELIEF FACTUM
OF THE INTERESTED PARTY NISHNAWBE ASKI NATION ("NAN")**

FALCONERS LLP
Barristers-at-Law
10 Alcorn Avenue, Suite 204
Toronto, Ontario M4V 3A9

Tel.: (416) 964-0495
Fax: (416) 929-8179

Julian N. Falconer L.S.U.C. # 29465R
Anthony Morgan L.S.U.C. # 64163F
Akosua Matthews L.S.U.C. # 65621V

**Lawyers for the Interested Party,
Nishnawbe Aski Nation ("NAN")**

TO: CANADIAN HUMAN RIGHTS TRIBUNAL
Attn: Dragisa Adzic, Registry Officer
160 Elgin Street, 11th Floor
Ottawa, ON K1A 1J4

AND TO: Jonathan Tarlton, Melissa Chan
Atlantic Regional Office
JUSTICE CANADA
Duke Tower, 5251 Duke Street, Suite 1400
Halifax, NS B3J 1P3
Phone: (902) 426-5959
Fax: (902) 426-8796

Counsel for the Respondent, the Attorney General of Canada
("Canada/Respondent")

AND TO: Anne Levesque, David P. Taylor, Sébastien Grammond & Sarah Clarke
JURISTES POWER | POWER LAW
130 Albert Street, Suite 1103
Ottawa, ON K1P 5G4
Phone: (613) 702-5568
Fax: 1 (888) 404-2227

Counsel for the Complainant,
First Nations Child and Family Caring Society of Canada ("the Caring Society")

AND TO: David C. Nahwegahbow
NAHWEGAHBOW, CORBIERE
Genoodmagejig/Barristers & Solicitors
5884 Rama Road, Suite 109
Rama, ON L3V 6H6

Stuart Wuttke
ASSEMBLY OF FIRST NATIONS
55 Metcalfe Street, Suite 1600
Ottawa, ON K1P 6L5
Phone: (613) 241-6789
Fax: (613) 241-5808

Co-Counsel for the Complainant, Assembly of First Nations ("the AFN")

AND TO: Daniel Poulin & Samar Musallam
Litigation Services Division
Canadian Human Rights Commission

344 Slater Street, 9th Floor
Ottawa, ON K1A 1E1
Phone: (613) 947-6399
Fax: (613) 943-3089

Counsel for the Canadian Human Rights Commission ("the Commission")

AND TO: Maggie Wente
Olthuis, Kleer, Townshend LLP
250 University Avenue, 8th floor
Toronto, ON M5H 3E5
Tel: (416) 981-9330
Fax: (416) 981-9350

Counsel for the Interested Party, the Chiefs of Ontario ("COO")

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PART I: OVERVIEW

“This is the season for change. The time is now.”

~ Canadian Human Rights Tribunal¹

“[It was] an “awkward time” in the federal funding cycle when all the available money [had] already been allocated.”

~ Keith Conn,
regional executive for Ontario
with the First Nation and Inuit Health Branch of Health Canada²

1. If there is one horrible lesson to be taken from the last few months for all of the Parties to this hearing to take to heart, it is this: youth at risk of suicide will not wait for the fiscal year’s end. They will not wait for jurisdictional disputes to be sorted, for legal processes to work their way towards remedies, or for Tribunal orders to be issued, and then ignored, and then enforced. They will not wait for us.
2. On January 26, 2016, the Canadian Human Rights Tribunal (the “Tribunal”) issued a landmark decision which found that Indigenous and Northern Affairs Canada (“INAC”) has racially discriminated against 163,000 First Nations children by underfunding child and family services on reserves.³
3. The Tribunal initially held off on ordering remedies in order to receive detailed submissions from the parties.⁴ The Tribunal proposed that the parties address remedies in three stages: (1) immediate relief; (2) medium-term relief; and, (3) longer-term relief.

¹ April 26, 2016 decision, para. 41.

² Affidavit of Dr. Kirlew, sworn January 27, 2017, at para. 16, and see also Exhibit D.

³ 2016 CHRT 2.

⁴ The involved Parties in these proceedings are: the Attorney General of Canada representing the Ministry of Indigenous and Northern Affairs (“INAC”) [referred to as the Respondent, Canada, or INAC as the case may be]; the Canadian Human Rights Commission [“the Commission”]; the co-complainant, the First Nations Child and

4. More than a year has passed since the Tribunal's January 2016 decision, and the Parties are still discussing "immediate relief". Also in the months that have elapsed, INAC has repeatedly demonstrated that it *cannot* or *will not* comply with the Tribunal's immediate relief orders and specific requests for detailed information to support the same.
5. During the passage of time, a compliance hearing was scheduled. On motion of December 20, 2016, NAN sought immediate relief in respect of remoteness and agency-specific debt relief. But then NAN suffered an entirely preventable tragedy: the loss of two more of their children. On January 27, 2017, NAN amended its motion to seek immediate relief in response to two youth suicides in the community of Wapekeka First Nation.
6. From there, a bizarre and deeply tragic process unfolded. To keep the Tribunal updated with developments in the communities, specifically the escalating issue of youth suicide, NAN filed additional affidavits updating the Tribunal about the loss of another youth and then another youth. Following these losses, condolences came in from various parties, including the Tribunal, as a part of regular correspondence.
7. NAN seeks various orders as immediate relief in this factum. First, NAN seeks the creation of a Choose Life Order. This would be relief available to any First Nations with youth at risk of suicide, and a community health proposal ready and aimed at addressing this risk. A Choose Life Order, outlined in further detail below, would be available on application to the Tribunal, to ensure fulfillment of Jordan's principle and to ensure that community proposals would receive funding regardless of the timing of their submission.

Family Caring Society of Canada ["the Caring Society"]; the co-complainant, the Assembly of First Nations ["AFN"]; the interested party, the Chiefs of Ontario ("COO"); and the interested party, Nishnawbe Aski Nation ["NAN"].

8. Further, with regard to mental health, NAN is seeking a declaration of non-compliance: that INAC has failed to comply with the Tribunal's order in 2016 CHRT 2, in that INAC has not funded mental health services provided for under the *Child and Family Services Act*, R.S.O 1990 c. c-11. Further, NAN is seeking an order for immediate relief that INAC immediately fund mental health services in Ontario.
9. With regard to remoteness, NAN is seeking orders for: the provision of remoteness data already held by Canada in order to develop an accurate remoteness quotient; further orders that Canada fund the provisions of expert reports; and, further data collection from First Nations in Northern Ontario to ensure that any resulting policy is based on the best available empirical data. INAC has shown support for the development of a remoteness quotient, stating that "INAC recognizes that remoteness is one of the key challenges affecting the delivery of services in many northern communities ..." and that "INAC will engage on undertaking and providing support for research on this topic, building on the research contained in the Barnes report".⁵ Although INAC has demonstrated a willingness to develop a remoteness quotient, NAN is still proceeding with seeking remoteness orders from the Tribunal.
10. Finally, with regard to agency debt relief, NAN is seeking an order that INAC fund the current debts and deficits of all child welfare agencies operating within NAN territory.
11. NAN's requested declarations and orders for immediate relief are all aimed at the same purpose: to get this bureaucracy moving. It is now necessary to act definitively as suicide reaches an almost pandemic state. Bureaucratic disorganization and inertia has been proven

⁵ See immediate relief submissions of the Respondent, filed June 3, 2016, at para 4.

time and again to be fatal to our children. We must ensure that First Nations with youth at risk of suicide may seek a Choose Life Order so the timing to help them will never be awkward again.

PART II: FACTS

A. Brief Procedural History

12. Following the January 26, 2016, Tribunal decision, and during the spring and summer of 2016, the Parties exchanged voluminous submissions on the issue of immediate relief. The Tribunal issued its immediate relief decision on September 14, 2016 (the “September decision”).⁶
13. Pursuant to the Tribunal’s September decision, the Tribunal ordered INAC to file two compliance reports: one on September 30, 2016 and the second on October 31, 2017. Both compliance reports were to serve as a direct response to the Tribunal’s orders and requests for further information contained in the Tribunal’s September, 2016 decision.
14. INAC’s two compliance reports were to be the subject of a case management conference in November 2016. Additionally, the case management conference was to be the Parties’ opportunity to discuss and finalize all immediate relief matters. However, the case management conference did not proceed and was adjourned.
15. In lieu of a case management conference, the Complainant parties requested that the Tribunal hold a compliance hearing on March 22, 23, and 24, 2017 in order to put INAC’s

⁶ 2016 CHRT 16.

compliance with the Tribunal's immediate relief orders, or lack thereof, before the Tribunal for a decision.

16. Considering the length of time that has passed, and the procedural steps taken, NAN submits that INAC has had ample opportunity to: (1) comply with the Tribunal's immediate relief orders and (2) to respond to the Tribunal's requests for further information as articulated in the September decision. Specifically, INAC has filed two compliance reports pursuant to the Tribunal's September 2016 decision. Further, INAC has filed affidavit material in response to the various notices of motion filed by the complainant parties. In NAN's view, the Tribunal may review this material and proceed to both issue declarations of non-compliance and further immediate relief orders.

B. Declarations of Non-Compliance and Further Orders for Immediate Relief: The Lack of Mental Health Services in Ontario

i) The Tragedy in Wapekeka

17. As noted, on January 27, 2017, NAN amended its notice of motion to seek immediate relief for mental health services in Ontario. NAN took this action in response to the tragic deaths of two 12-year old girls who died by suicide in Wapekeka. Jolynn Winter died on January 8, 2017, and Chantel Fox died on January 10, 2017.
18. Before the loss of these children, Wapekeka had alerted the Federal Government, specifically Health Canada, to concerns about a suicide pact amongst a group of young girls. This information was contained in a July, 2016 proposal aimed at seeking funding for an in-community mental health team as a preventative measure (the "Wapekeka

proposal”). The Wapekeka proposal was left unaddressed by Canada for several months with a response coming only after the loss of Jolynn Winter and Chantel Fox.

19. In support of the amended notice of motion, NAN filed an affidavit by Doctor Michael Kirlew on January 27, 2017. Dr. Kirlew is a community and family physician for Wapekeka First Nation, a Staff Physician at the Sioux Lookout Meno Ya Win Health Center, and an Investigating Coroner for Ontario’s northwest region. Further, NAN filed a reply affidavit by NAN’s Health Advisor, Sol Mamakwa on February 13, 2017.
20. Dr. Kirlew’s affidavit was intended to alert the Tribunal to the youth suicides in Wapekeka and to discuss his experience with delivering medical care to the residents of Wapekeka over the past ten years. In particular, Dr. Kirlew outlined the many challenges he has experienced with trying to obtain much needed mental health care and developmental supports for the residents of Wapekeka.
21. Dr. Kirlew swore his belief that the deaths of the two girls in Wapekeka were preventable.⁷ Wapekeka had a longstanding and successful Survivors of Suicide (“SOS”) initiative, designed to bring together expertise in the field of mental health, for 22 years until funding was lost in 2014. When faced with a crisis in the health of their youth, Wapekeka submitted a proposal seeking funding for a mental health team based within the community. This mental health team was intended to implement suicide prevention and intervention, alongside land-based and cultural activities. Dr. Kirlew’s affidavit attached the 5-page Wapekeka proposal to his affidavit as Exhibit C.⁸

⁷ Affidavit of Dr. Kirlew, sworn January 27, 2017 at paras. 4-5.

⁸ *Ibid.* at paras 14-15, and see also Exhibit C.

22. Dr. Kirlew explained that the Wapekeka proposal had not been funded by Health Canada, though the proposal was received. Keith Conn, Health Canada's regional executive for Ontario stated that the proposal went unfunded because it was received at an "awkward time" in the federal funding cycle.⁹
23. Dr. Kirlew's affidavit outlined the lack of mental health services available within the community of Wapekeka, compounded by the lack of developmental supports for children/youth and the infrequent mental health services that are periodically flown into the community.¹⁰ This, compounded with the denial of travel requests by the Non-Insured Health Benefits ("NIHB") program has limited access to services available outside of the community of Wapekeka.¹¹

ii) Wapekeka is Everywhere: Tribunal Findings Regarding a Lack of Available Services

24. The Tribunal has made a series of findings throughout its various decisions concerning a lack of mental health services in Ontario. Specifically, the Tribunal found that Ontario's *1965 Agreement*, does not fund mental health services, leading to a gap in services:

In the provision of child and family services, the Panel finds the situation in Ontario falls short of the objective of the *1965 Agreement*... "to make available to the Indians in the province the full range of provincial welfare programs"¹²

... AANDC does not have a mandate for mental health service and ... these expenditures are not eligible under the *1965 Agreement*. Rather, Health Canada has the federal mandate on mental health and provides funding through a number of programs. However, those programs focus more on prevention and mostly deal with adult issues. Health Canada

⁹ *Ibid.* at para. 16, and see also Exhibit D.

¹⁰ *Ibid.* at paras 18-22.

¹¹ *Ibid.* at paras 23-24.

¹² January 26, 2016, 2016 CHRT 2, Liability Decision, at para 246.

programs do not specifically deal with children in care and do not cover mental health counselling.¹³

...The application of the *1965 Agreement* in Ontario that has not been updated to ensure on-reserve communities can comply fully with Ontario's *Child and Family Services Act*.

The failure to coordinate the FNCFS Program and other related provincial/territorial agreements with other federal departments and government programs and services for First Nations on reserve, resulting in service gaps, delays and denials for First Nations children and families.

The narrow definition and inadequate implementation of Jordan's Principle, resulting in service gaps, delays and denials for First Nations children.¹⁴

25. Following these evidentiary findings in relation to the gaps and adverse impacts, denials and delays, the Tribunal directed that INAC provide specific information, in the form of compliance reports to the Tribunal. The Tribunal's specific direction to INAC was as follows:

INAC is ordered to provide its rationale, data and other relevant information to assist this Panel in understanding INAC's Budget 2016 investments and how they are responsive to the needs of the First Nations children and how it addresses the findings in the Decision, in the short term, especially in terms of mental health services and Band Representatives.

... the Panel wants to know how those findings are being addressed in the short term while the Agreement is being reformed.¹⁵

26. INAC filed a compliance report on October 31, 2016. INAC indicated that it was reviewing support for additional services, such as mental health services, under the *1965 Agreement* as part of the "longer-term engagement and reform process involving national and regional

¹³ *Ibid.*, at para 241.

¹⁴ *Ibid.* At para 458. See also April Decision, 2016 CHRT 10 at para 25, and September Decision, 2016 CHRT 10 at paras 74.

¹⁵ 2016 CHRT 10, at paras 73-74.

discussions.”¹⁶ INAC failed to identify how it was addressing mental health services in Ontario on the short term, as directed by the Tribunal.

27. Instead of providing a substantive response, INAC filed an affidavit providing platitudes: the assurance that any First Nations child identified to have unmet mental health needs, would have their needs met “like any other Jordan’s Principle case.”¹⁷

iii) INAC’s Response to the Wapekeka Crises: “...like any other Jordan’s Principle case”

28. Ms. Lee Cranton swore an affidavit on February 10, 2017, in response to the affidavit of Dr. Kirlew. Ms. Cranton is the Director of Northern Operations in the Ontario Region from the First Nations and Inuit Health Branch, is responsible for overseeing the regional operations in the Thunder Bay and Sioux Lookout zones.

29. Ms. Cranton’s affidavit attached a budget for Wapekeka which identified that approximately \$700,000 was allocated to Wapekeka through a block funding agreement. Additionally, the affidavit identified sources of funding available to other organizations which provide services to Wapekeka.¹⁸ Further, Ms. Cranton pointed to various national funding announcements by Canada and stated that this additional funding would be used to address the mental health needs of First Nations and Inuit communities across the country.¹⁹

30. NAN filed a reply affidavit by NAN’s Health Advisor, Sol Mamakwa on February 13, 2017. Mr. Mamakwa, as advised by Joshua Frogg (Wapekeka’s Band Manager responsible

¹⁶ INAC October 31, 2016 Compliance Report, at Page 9.

¹⁷ Affidavit of Robin Buckland, sworn January 25, 2017, at para 24.

¹⁸ Affidavit of Lee Cranton, sworn February 10, 2017, at paras. 4 & 6.

¹⁹ *Ibid*, at paras. 5 & 7.

for the Wapekeka's financial management), stated that the various funding sources identified in the affidavit of Ms. Cranton created the impression of large sources of funding for mental health services in Wapekeka; however, Ms. Cranton's affidavit lacked specifics.²⁰ Mr. Mamakwa stated that several identified funding sources in Ms. Cranton's affidavit, are not provided with a community specific breakdown, nor do they indicate that the funds are for preventative mental health services.²¹

31. Counsel for NAN cross-examined Ms. Cranton on the issue of available mental health funding to Wapekeka. Ms. Cranton was unable to answer whether the Wapekeka proposal would be covered under Jordan's Principle;²² however, she agreed that both the Wapekeka proposal²³ and the Survivors of Suicide initiative²⁴ were developed in order to address a gap within the community for services related to youth mental health. Ms. Cranton agreed that the SOS initiative was a successful initiative to address youth mental health services within Wapekeka.²⁵
32. When asked about the specific funding sources identified at paragraphs 4 & 5 of her affidavit, Ms. Cranton acknowledged that her affidavit does not specify what portion of this funding is specifically for children and youth for mental health services.²⁶ When asked about the \$54 million in funding allocated for First Nations mental health programs and services, referenced at paragraph 7 of her affidavit, Ms. Cranton acknowledged that this

²⁰ Affidavit of Sol Mamakwa, sworn February 13, 2017, at para 10.

²¹ *Ibid.* at paras. 16-19

²² Examination No. 17-0159, CV No. T1240/7008, Transcript Cross-Examination of Ms. Lee Cranton on an Affidavit sworn February 10, 2017, Date of Cross Examination: February 17, 2017, Pg. 19, at line 2 through to Pg. 20, at line 3 ["Cranton Cross-Examination, February 17, 2017"].

²³ *Ibid.*, Pg. 15, para.47.

²⁴ *Ibid.*, Pg. 21, para.86.

²⁵ Cranton Cross-Examination, February 17, 2017, Pg. 24, para.76

²⁶ *Ibid.*, Pg. 55-6, para.198-201.

figure is not broken down by community. Ms. Cranton's affidavit does not indicate how much of this funding goes specifically to preventing suicide amongst children and youth.²⁷ Finally, when asked about whether the mental health services flown up to Wapekeka on a periodic basis, or whether the current funding to Wapekeka was sufficient to meet the need, Ms. Cranton stated that Health Canada does not know whether or not the services provided adequately meet the needs of the community²⁸ and further, that she is not aware of any full assessment of such needs.²⁹

33. In addition to Ms. Cranton's evidence, INAC put forward as a witness, Ms. Robin Buckland, the Executive Director of the Office of Primary Health Care within Health Canada's First Nations Inuit Health Branch ("FNIHB").
34. Ms. Buckland was questioned on the Tribunal's findings that mental health services, in Ontario, are not eligible under the *1965 Agreement* and that the Health Canada's federal mandate to provide mental health services does not specifically cover children in care nor mental health counselling.³⁰ Ms. Buckland stated that the delivery of mental health services is not within her portfolio.³¹ Ms. Buckland then acknowledged that children who are identified as suicide risks, have health issues.³²

²⁷ *Ibid*, Pg. 60-62, para.215-219.

²⁸ *Ibid*, Pg. 63, para.224-227.

²⁹ *Ibid*, Pg. 70-1, para.246-8.

³⁰ Examination No. 17-0109. 1A, CV No. T1240/7008, Transcript of Cross-Examination of Ms. Robyn Buckland on an Affidavit sworn January 25, 2017, Date of Cross Examination: February 6, 2017, Pg. 139-141, Para. 384-388.

[“Buckland Cross-Examination, February 6, 2017”]

³¹ *Ibid*, Pg. 141, Para. 388, Line 23-25.

³² *Ibid*, Pg. 153-4, Para. 431.

35. Ms. Buckland was directed to the aforementioned Wapekeka proposal.³³ Ms. Buckland agreed that the Wapekeka proposal identified an example of a gap in services with children evincing a need, but could not say why this need was not met.³⁴

Q. Could you assist the Nishnawbe Aski Nation, the leadership, the members of the communities, my clients, why in September 2016 and going forward right up unto and including the time that Jolynn Winter and Chantel Fox took their lives that this need wasn't met?

A. So can you repeat your question?

Q. Could you articulate for the leadership of Nishnawbe Aski Nation, its community members, my clients, why, given the mandate you've indicated you have at Health Canada to meet the need, why the needs of Jolynn Winter and Chantel Fox who as you know ended their lives January 8th and January 10th, 2017, respectively, weren't met?

A. No, I cannot respond. No, I cannot say why.³⁵

36. Throughout Ms. Buckland's cross-examination, Ms. Buckland was unequivocal and steadfast in her statement that the Wapekeka crisis was an example of a clear need, resulting from a clear gap in mental health services, and therefore, the Wapekeka proposal would qualify as a Jordan's Principle case.³⁶ In particular, Ms. Buckland agreed that the gap in mental health services, created by the *1965 Agreement*, "could rightly be considered a Jordan's Principle case."³⁷ As the national lead for Jordan's Principle is of the view that the gaps in mental health services in Ontario can be covered by Jordan's Principle, NAN is seeking a Choose Life Order that Jordan's Principle funding should be granted to any

³³ Affidavit of Dr. Michael Kirlaw, sworn January 27, 2017, at Para 15. & Buckland Cross-Examination, February 6, 2017, Pg. 154-5, Para. 432-437.

³⁴ Buckland Cross-Examination, February 6, 2017, Pg. 155-6, Para. 438-440.

³⁵ *Ibid*, Pg. 156, Para. 441-2.

³⁶ See for example: Buckland Cross-Examination, February 6, 2017, Pg. 157-8, Para. 446-449 **AND** Pg. 175, Para. 505, Line 1-4 **AND** Page 180, Paras. 526-528 **AND** Pg. 189-190, Paras. 567-571.

³⁷ Buckland Cross-Examination, February 6, 2017, Pg. 216, Para 645. See also: Buckland Cross-Examination, February 6, 2017, Pg. 189, para. 567.

Indigenous community that files a proposal (akin to the Wapekeka proposal) identifying children and youth at risk of suicide.

37. Regarding the Wapekeka proposal, Ms. Buckland was pressed further as to why the proposal went unaddressed for several months. Ms. Buckland could not provide an answer.³⁸

Q. Ms. Buckland, what's missing from your answer, with respect, is you telling us what happened. It is close to inescapable that I have asked the same question repeatedly which is factually why did your people not address the clear need? That's the question that I've asked in many different ways and you're not giving me that answer. Why was it left unaddressed? That's the question I'm looking for an answer for.

A. So when did I receive Dr. Kirlew's affidavit?

Q. No, you advised us that you heard of this right away after it happened, that you saw Mr. Conn's statement in the media, and that you made inquiries about what happened.

A. Sure.

Q. And so I'm asking the question, what was the fruit of your inquiries? Why did they leave this unaddressed?

A. And, and I don't know.

Q. All right, thank you.

A. I don't know.

Q. Thank you. But that's the first time you've told me. It's been five to ten minutes and I've been asking the same question. So as matters currently stand, on February 6th, 2017, in your capacity as in charge of primary care as high-ranking executive for Health Canada, you do not know why the Wapekeka proposal went unaddressed for months on end in relation to children who were a high risk for suicide. Am I right, you don't know?

A. I can speculate.

³⁸ Buckland Cross-Examination, February 6, 2017, Pg. 158, Para. 449-450.

Q. No, I didn't ask for speculation. I simply wanted to know if you knew?

A. So I do not know with 100 per cent certainty.³⁹

38. Ms. Buckland was asked whether she agreed that the leadership and family members from NAN communities would expect Ms. Buckland to know the answer to the question of why the Wapekeka proposal went unaddressed, Ms. Buckland acknowledged, "I certainly think that it would be right and proper for them to expect me to find out."⁴⁰ Ms. Buckland then admitted that she had not read the Wapekeka proposal.⁴¹
39. Ms. Buckland stated that, in order to ensure that proposals do not fall through the cracks, proper communication is required to ensure that proposals, such as the Wapekeka proposal, can be processed through Jordan's Principle; however, Ms. Buckland further acknowledged that these statements are **aspirational**.

Q. And your point is in the --

A. And when I -- I had tried earlier to say, you had asked me what, **what have you done to put in place, to make sure that that doesn't happen again.**

Q. Yes? Yes?

A. And again, recognizing that we're still working on establishing all of the policies and procedures around First Nations, around JP, the JP initiative, we need -- it's what we need to do on the go-forward. It's we need to make sure that it's -- we are clearly communicating with regional staff and I think I had mentioned this previously in my, in my response, that when you, when you see a proposal such as this, when you see that there is an identified need and it's -- it not able to be addressed through our current federal or provincial or territorial programs, that needs to be directed to the Jordan's Principle group so that it can be looked at and then processed through that system.

³⁹ Buckland Cross-Examination, February 6, 2017, Pg. 163-4, Para 476-481.

⁴⁰ *Ibid*, Pg. 165, Para. 483.

⁴¹ *Ibid*, Pg. 175-6, Paras. 506-513.

Q. And I appreciate that answer and I thank you for the assistance. Can I ask this, though? **All of that is to say that that's aspirational. That's what you're planning to do, right? That's aspirational. Yes?**

A. What I just said was aspirational. And what needs to happen.⁴²
[emphasis added]

iv) INAC & Health Canada Do Not Understand Their Funding Obligations

40. When Ms. Buckland was asked about the *1965 Agreement* and her understanding of the Tribunal's finding that the *1965 Agreement* does not cover mental health funding, Ms. Buckland stated that she is not fully familiar with nor does she fully understand the *1965 Agreement*:

Q. Okay. But I have taken you through some of the passages, right, in terms of the Tribunal's reasons and you said you were familiar with them. **Do you want me to take you through a few more in terms of mental health services and the fact that the 1965 Agreement doesn't cover them or are we both agreed that you know that?**

A. So you're telling me that the 1965 Agreement does not cover mental health for First Nations children?

Q. Is this the first time you're learning of that?

A. I am telling you I do not -- I have, I have asked for a high level briefing in terms of the 1965 Agreement. It's complicated. I don't understand it fully. Can I say with 100 per cent certainty that I know that? No. 90 per cent, I understand. And your insistence on repeating the points, I'm getting clear in terms of understanding it.⁴³ [emphasis added]

41. Later, Ms. Buckland acknowledged that her decisions around Jordan's Principle are made without the benefit of anyone with a comprehensive understanding of the *1965 Agreement* who directly reports to Ms. Buckland.⁴⁴

⁴² Buckland Cross-Examination, February 6, 2017, Pg. 186-7, Para. 559-561.

⁴³ *Ibid*, Pg. 192, Para. 581-582.

⁴⁴ *Ibid*, Pg. 214-215, Para. 641.

42. Ms. Buckland was then asked if she met with INAC to discuss the gaps created by the *1965 Agreement*, to which Ms. Buckland responded that if anyone was going to sit down with INAC to discuss gaps in mental health services, it would be her; and that she has not met with INAC to discuss the gaps in mental health services.⁴⁵
43. This evidence was repeated in the evidence provided by Ms. Cassandra Lang. Following the cross-examinations of Ms. Buckland and Ms. Lang, the evidence revealed the following state of affairs:
- The *1965 Agreement* does not provide for mental health services in Ontario;
 - Health Canada has not conducted an analysis of the gaps in services created by the *1965 Agreement* in respect of mental health services and how those gaps could be filled by Jordan's Principle;
 - INAC has not conducted an analysis of the gaps in services created by the *1965 Agreement* in respect of mental health services and how those gaps could be filled by Jordan's Principle;
 - There is no mechanism in place, by either INAC or Health Canada to address the gaps in mental health services created by the *1965 Agreement*, beyond a general commitment to broad reform and continued engagement with relevant partners; and,
 - INAC has no plans to address the gap in mental health services in Ontario on the short term. INAC unilaterally views mental health services as part of longer term reform.

⁴⁵ Buckland Cross-Examination, February 6, 2017, Pg. 216-218, Para. 645-649.

44. NAN seeks a declaration of non-compliance in that INAC has failed to comply with the Tribunal's orders accompanied with an order that INAC fund mental health services is clearly required to prompt INAC to act. Further, light of the recent tragedies in Wapekeka, NAN is also seeking a Choose Life Order. The Choose Life Order would direct that Jordan's Principle funding be issued to any Indigenous community that files a proposal (akin to the Wapekeka proposal) identifying children and youth at risk of suicide.

C. Specific Immediate Relief: Orders to Support Creation of Remoteness Quotient

45. NAN's December 20, 2016 notice of motion sought immediate relief for remoteness as follows: that the remoteness quotients identified in the *Barnes Report* be applied to all funding for NAN child welfare agencies and that INAC fund jointly-appointed experts to obtain remoteness data and develop a remoteness quotient.
46. On January 27, 2017, NAN amended its notice of motion in order to particularize the sought remoteness relief, in light of exploratory discussions between NAN and two experts: Dr. Thomas Wilson and Mr. David Barnes. In support of this amended notice of motion, NAN filed a joint affidavit by both Dr. Wilson and Mr. Barnes on January 27, 2017.
47. INAC has not filed any responding affidavits with respect to remoteness. However, INAC's legal position indicates that this evidentiary silence, may be an expression of support. From surveying the record with regard to the creation of a remoteness quotient, it is obvious that the Parties, who differ on many issues, commonly see the value in this relief.

i) Immediate Relief Sought by NAN: Data to Drive Good Policy

48. In the Tribunal September 14, 2016 decision on immediate relief, the Tribunal ruled in support of NAN's position that a "remoteness quotient needs to be developed as part of

medium to long term relief and that data needs to be appropriately collected.”⁴⁶ In support of the Tribunal’s direction that the development of a remoteness quotient needs to be developed as medium to long-term relief, NAN has identified immediate steps that can be taken, as outlined in NAN’s amended notice of motion:

- that INAC disclose any and all data collected by INAC with respect to the geography, demographics, and socioeconomic characteristics of First Nation communities that is relevant to an analysis of remoteness, community needs, and/or child welfare infrastructure;
- that INAC disclose any and all data held by Health Canada with respect to remoteness expenses in the context of providing health services to First Nations;
- that INAC disclose any and all data held by Public Safety Canada with respect to remoteness expenses in the context of providing policing services to First Nations;
- that INAC fund an immediate update of the Barnes Report, using data from the 2006 census, 2011 national household survey, and from INAC, as set out in the Affidavit of Thomas A. Wilson and David Barnes;
- that INAC fund a second update of the Barnes Report, using data from the 2016 census and from INAC, when the 2016 data becomes available, as set out in the Affidavit of Thomas A. Wilson and David Barnes;

⁴⁶ 2016 CHRT 16, at para. 80.

- that INAC fund the design and implementation of a direct survey of First Nations in northern Ontario with respect to community child welfare needs and infrastructure, as set out in the Affidavit of Thomas A. Wilson and David Barnes; and,
- that INAC fund the collection of all data set out in paragraph 21 of the Affidavit of Thomas A. Wilson and David Barnes, for analysis and use in the development of a more robust remoteness coefficient in the medium-to-long term.

ii) INAC Collects Remoteness Data for its Own Employees

49. The Tribunal has ordered INAC to provide detailed information in its compliance reports “to clearly demonstrate how it is determining funding for remote FNCFS Agencies that allows [remote agencies] to meet the actual needs of the communities they serve.”⁴⁷
50. In response, INAC conceded in its October 31, 2016, compliance report that INAC does not account for remoteness in funding the needs of Indigenous children in remote northern communities in Ontario. INAC further conceded that they do not have or currently collect sufficient data/information to create a remoteness quotient.⁴⁸
51. All three witnesses for INAC (Robin Buckland, Cassandra Lang and Lee Cranton) were cross-examined on their understanding of how remoteness factors into increasing the costs of service delivery to remote communities. All three witnesses demonstrated a basic

⁴⁷ 2016 CHRT 16, para. 81.

⁴⁸ INAC October 31, 2016 Compliance Report, pg. 9, Section G.

understanding that service delivery to remote communities is costlier because of certain factors, such as geographic distance, isolation, weather, etc.

52. Ms. Buckland indicated that remoteness is factored into the salaries for some Health Canada employees (nurses and doctors in particular), in the form of an 'Isolated Post Allowance'. Ms. Buckland indicated that this allowance is granted in recognition of the higher costs of living in remote communities.⁴⁹ Ms. Lang and Ms. Cranton also confirmed that they had heard of or were aware of the same isolated post allowance referred to by Ms. Buckland.⁵⁰
53. The evidence before the Tribunal concerning remoteness in Ontario indicates that remoteness is not factored into funding for child and family services in Ontario. This is in contrast to the fact that remoteness is factored into the salaries of federal employees in the form of an isolated post allowance.
54. The creation of good policy requires the best information available. NAN seeks orders ensuring access to that information in order to aid the development of an accurate and effective remoteness quotient.

D. Specific Immediate Relief: Orders to Support NAN Child Welfare Agencies

55. NAN is seeking agency-specific immediate relief for the three child welfare agencies which operate within NAN territory: Payukotayno James and Hudson Bay Family Services ("Payukotayno"); Tikinagan Child and Family Services ("Tikinagan"); and, Kunowanimano Child and Family Services ("Kunowanimano").

⁴⁹ Buckland Cross Examination: February 6, 2017, Pg. 231-233, Para. 694-704.

⁵⁰ Buckland Cross Examination: February 6, 2017, Pg. 232, Lines 1-11 & Pg. 233.

56. NAN seeks the following orders for immediate relief for all three child welfare agencies: (1) that INAC fund the current debts and deficits of these agencies; and, (2) that INAC fund a capital needs assessment study for each agency.

i) The Immediate Need for Agency Specific Relief

57. In the Tribunal's January 26, 2016 ruling, the Tribunal found that the current funding model in Ontario does not reflect the needs of Indigenous communities and agencies for many reasons, including insufficient resources for services, shortage or lack of funding for administrative requirements, and lack of funding to invest in necessary infrastructure.⁵¹ Regarding capital infrastructure, the Tribunal found that the *1965 Agreement* has not provided for cost-sharing of capital expenditures since 1975.⁵²
58. In the Tribunal's September Decision on Immediate Relief, the Tribunal directed that Agency Debt Relief would "form part of the upcoming in-person case management discussions,"⁵³ and that "...as part of INAC's immediate relief investments, ...INAC should develop an interim strategy to deal with the infrastructure needs of FNCFS Agencies. The Panel expects a detailed response from INAC on this issue and will discuss the issue with all parties at the upcoming in-person case management meeting."⁵⁴
59. The Tribunal further directed that this topic of agency-specific relief would be discussed at the November case management conference; however, this discussion was never held as the case management conference was adjourned.

⁵¹ 2016 CHRT 2, at para 244.

⁵² 2016 CHRT 2, at para 245.

⁵³ 2016 CHRT 16, at para 106.

⁵⁴ 2016 CHRT 16, at para 97.

60. The need, identified by the Tribunal, yet remains and was addressed by all three child welfare agencies operating within NAN territory, as outlined below.

ii) The Need as Evidenced by Child Welfare Agencies Operating within NAN

61. Thelma Morris is the Executive Director of Tikinagan. Michael Miller is the Executive Director of Kunowanimano. Charlene Reuben is the Executive Director of Payukotayno.
62. All three Executive Directors provided affidavits which addressed the lack of adequate funding for each agency and the negative impact on service delivery. All three Executive Directors identified a non-exhaustive list of remoteness factors which increase the cost of service delivery to remote and isolated communities.
63. The accumulated funding shortfalls faced by each NAN child welfare agency are as follows:
- **Tikinagan:** As of March 31, 2016, Tikinagan has an operating deficit of \$4,492,793 arising from accumulated prior and current year operating expenditures. Ms. Morris indicated that Tikinagan has routinely faced significantly historical budgeting shortfalls and that Tikinagan is chronically underfunded at source.⁵⁵
 - **Kunowanimano:** For this current fiscal year 2016/2017, Kunuwanimano was allocated \$8,284,320 with a 10% holdback of \$920,480. Kunuwanimano is forecasting to spend \$9,204,800 for the 2016-17 fiscal year, due to an increase of children in care and ongoing protection files from the previous year. If the funds in

⁵⁵ Affidavit of Thelma Morris, Sworn December 20, 2017, at paras. 12-16.

the 10% holdback are not released, Kunuwanimano will face a budget deficit of approximately \$920,480 by the end of fiscal year 2016/17.⁵⁶

- **Payukotayno:** In 2015/16, Payukotayno's deficit was \$1,279,537. In 2016/17, Payukotayno is anticipating a deficit of approximately \$2.2 million.⁵⁷ Payukotayno's deficit is largely the result of increased demand for services and the cost of high-needs children in care. While facing these demands for services, Kunowanimano's budget has not increased to meet the greater demands for services.

64. Additionally, these agency-specific affidavits addressed the necessity of a capital needs assessment study for each agency.⁵⁸ All three Executive Directors indicated that each agency is facing chronic capital needs which remain unaddressed. All three Executive Directors indicated that a capital needs assessment study would be a helpful immediate relief step for the purposes of assessing each agency's capital needs. Further, each Executive Director indicated that they were aware of a letter sent to Agencies by Canada requesting agency specific information by June 30, 2017. Each stated that this letter of engagement is not a proper substitute for a comprehensive capital needs assessment study.

65. Once these capital needs are fully assessed and identified, these needs will be the subject of medium and long-term relief.

⁵⁶ Affidavit of Micheal Miller, Sworn December 20, 2017, at paras 14-20.

⁵⁷ Affidavit of Charlene Reuben, Sworn December 20, 2017, at paras. 14-20.

⁵⁸ Affidavit of Thelma Morris, sworn December 20, 2016, at paras 17-27; Affidavit of Micheal Miller, Sworn December 20, 2017, at paras 21-32; and; Affidavit of Charlene Reuben, Sworn December 20, 2017, at paras. 21-32.

66. The evidence of the three Executive Directors of the child welfare agencies operating within NAN territory remain uncontested by INAC. In response to the issue of agency debt relief, INAC maintains that it does not have a direct funding relationship with the agencies in Ontario; however, this response does not preclude that INAC could issue funds directly to the agencies to make each agency solvent.
67. In response to the issue of a capital needs assessment, INAC maintains that anything related to capital needs is medium to long term relief; however, NAN has identified an obvious first step that could be ordered as immediate relief: the ordering of capital needs assessment studies for each NAN child welfare agency.

PART III: ISSUES AND THE LAW

68. NAN submits that the Tribunal has the jurisdiction to make the requested orders by virtue of its statutory jurisdiction under the *Canadian Human Rights Act*⁵⁹ (“CHRA”); and the relevant jurisprudence interpreting the Tribunal’s powers.

A. The Tribunal’s Statutory Jurisdiction to Make the Requested Orders

69. The Tribunal has the authority to order the remedies requested by NAN under sections 16(1), 16(3) and 53(2)(a)(i) of the CHRA.
70. Section 16(1) of the CHRA permits the Tribunal to consider a variety of remedies including ordering a “special program, plan or arrangement”.

Special programs

16 (1) It is not a discriminatory practice for a person to adopt or carry out a special program, plan or arrangement designed to prevent

⁵⁹ *Canadian Human Rights Act*, R.S.C., 1985, c. H-6.

disadvantages that are likely to be suffered by, or to eliminate or reduce disadvantages that are suffered by, any group of individuals when those disadvantages would be based on or related to the prohibited grounds of discrimination, by improving opportunities respecting goods, services, facilities, accommodation or employment in relation to that group.

71. Section 16(3) of the *CHRA* permits the collection of information where the information is used for the purposes of a special program, plan or arrangement under section 16(1).

Collection of information relating to prohibited grounds

16(3) It is not a discriminatory practice to collect information relating to a prohibited ground of discrimination if the information is intended to be used in adopting or carrying out a special program, plan or arrangement under subsection (1).

72. Where a discrimination complaint is substantiated, as is the case in the current proceedings, section 53(2)(a)(i) of the *CHRA* enables the Tribunal to order the expansive remedies provided for in section 16(1).

Complaint substantiated

53 (2) If at the conclusion of the inquiry the member or panel finds that the complaint is substantiated, the member or panel may, subject to section 54, make an order against the person found to be engaging or to have engaged in the discriminatory practice and include in the order any of the following terms that the member or panel considers appropriate:

(a) that the person cease the discriminatory practice and take measures, in consultation with the Commission on the general purposes of the measures, to redress the practice or to prevent the same or a similar practice from occurring in future, including (i) the adoption of a special program, plan or arrangement referred to in subsection 16(1).

73. It is NAN's submission that the above provisions under the *CHRA* are broad enough to permit the Tribunal to make the requested orders without exceeding the Tribunal's statutory authority.

B. The Jurisprudence outlining the Tribunal's Jurisdiction to make the Requested Orders

74. The *CHRA* is to be interpreted broadly and liberally, in order to achieve the *CHRA*'s legislative intent:

to give effect... to the principle that all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices...⁶⁰

75. In the *National Capital Alliance on Race Relations v. Canada (Department of Health & Welfare)*, 1997 CanLII 1433 (CHRT)⁶¹, this Tribunal affirmed that it has the authority, under sections 16(1) and 53(2)(a) of the *CHRA*, to issue a broad and expansive array of remedies:

...if the Tribunal considers it appropriate to prevent the same or a similar practice from occurring in the future, it may order certain measures including the adoption of a special program, plan or arrangement referred to in subsection 16(1) of the *CHRA*.⁶²

76. The Supreme Court of Canada affirmed this Honourable Tribunal's authority to order expansive remedies in *CN v. Canada (Canadian Human Rights Commission)*, [1987] 1 SCR 1114, 1987 CanLII 109 (SCC)⁶³. In addition to an order to cease certain discriminatory hiring and employment practices, the Tribunal had issued a 'Special Temporary Measures Order' which included an explicit hiring target and data collection. The Supreme Court ultimately found that the Tribunal's remedial powers were broad enough to include all parts of this 'Special Temporary Measures Order'.

⁶⁰ *CHRA*, Section 2.

⁶¹ NAN Book of Authorities, at Tab 7.

⁶² NAN Book of Authorities, Tab 7, at para 31.

⁶³ NAN Book of Authorities, at Tab 4.

77. In its January 26, 2016, decision in these proceedings, this Panel affirmed its broad authority to make remedial orders:

[469] It is also important to reiterate that the CHRA gives rise to rights of vital importance. Those rights must be given full recognition and effect through the Act. In crafting remedies under the CHRA, the Tribunal's powers under section 53(2) must be given such fair, large and liberal interpretation as will best ensure the objects of the Act are obtained. Applying a purposive approach, remedies under the CHRA should be effective in promoting the right being protected and meaningful in vindicating the rights and freedoms of the victim of discrimination...⁶⁴

78. In its April 26, 2016, decision⁶⁵, the Tribunal provided a comprehensive outline of jurisprudence on remedial principles concerning the Tribunal's flexible and broad powers to craft effective and meaningful orders. NAN relies on the following paragraphs of the Tribunal's April, 2016 decision as the basis upon which the Tribunal may craft orders to address the discriminatory practices identified in the Tribunal's decisions:

[10] It is worth reiterating some of the Tribunal's remedial principles in order to foster a common understanding of the Panel's goals and authorities in crafting a remedy in response to the *Decision*.

[11] Human rights legislation expresses fundamental values and pursues fundamental goals. In fact, the Supreme Court of Canada has confirmed the quasi-constitutional nature of the *CHRA* on many occasions (see for example *Robichaud v. Canada (Treasury Board)*, [1987] 2 SCR 84 at pp. 89-90 [*Robichaud*]; *Canada (House of Commons) v. Vaid*, 2005 SCC 30 at para. 81; and *Canada (Canadian Human Rights Commission) v. Canada (Attorney General)*, 2011 SCC 53 at para. 62 [*Mowat*]). In line with this special status, the *CHRA* must be interpreted in a broad, liberal and purposive manner so that the rights enunciated therein are given their full recognition and effect (see *Mowat* at paras. 33 and 62).

[12] Likewise, when crafting a remedy following the substantiation of a complaint, the Tribunal's powers under section 53 of the *CHRA* must

⁶⁴ 2016 CHRT 2, para. 469.

⁶⁵ 2016 CHRT 10.

be interpreted so as to best ensure the objects of the *Act* are obtained. Pursuant to section 2, the purpose of the *CHRA* is to give effect to the principle that:

all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices...

[13] It is the Tribunal's responsibility to consider this dominant purpose in crafting an order under section 53 of the *CHRA*. Consistent with that purpose, the aim in making an order under section 53 is not to punish the person found to be engaging or to have engaged in a discriminatory practice, but to eliminate and prevent discrimination (see *Robichaud* at para. 13; and *CN v. Canada (Canadian Human Rights Commission)*, [1987] 1 SCR 1114 at p. 1134 [*Action Travail des Femmes*]).

[14] On a principled and reasoned basis, in consideration of the particular circumstances of the case and the evidence presented, the Tribunal must ensure its remedial orders are effective in promoting the rights protected by the *CHRA* and meaningful in vindicating any loss suffered by the victim of discrimination (see *Hughes v. Elections Canada*, 2010 CHRT 4 at para. 50; *Doucet-Boudreau v. Nova Scotia (Minister of Education)*, 2003 SCC 62 at paras. 25 and 55; and *Action Travail des Femmes* at p. 1134).

[15] That said, constructing effective and meaningful remedies to resolve a complex dispute, as is the situation in this case, is an intricate task. Indeed, as the Federal Court of Canada stated in *Grover v. Canada (National Research Council)* (1994), 24 CHRR D/390 (FC) at para. 40 [*Grover*], "[s]uch a task demands innovation and flexibility on the part of the Tribunal in fashioning effective remedies and the Act is structured so as to encourage this flexibility."

[16] Aside from orders of compensation, this flexibility in fashioning effective remedies arises mainly from sections 53(2)(a) and (b) of the *CHRA*. Those sections provide the Tribunal with the authority to order measures to redress the discriminatory practice or prevent the same or similar practice from occurring in the future [see s. 53(2)(a)]; and to order that the victim of a discriminatory practice be provided with the rights, opportunities or privileges that are being or were denied [see s. 53(2)(b)].

[17] The application of these broad remedial authorities can override an organization's right to manage its own enterprise and, with particular

regard to section 53(2)(b), can afford the victim of a discriminatory practice a remedy in specific performance (see *Canada (Attorney General) v. Johnstone*, 2013 FC 113 at paras. 165 and 167, varied on other grounds in *Canada (Attorney General) v. Johnstone*, 2014 FCA 110; and *Canada (Attorney General) v. McAlpine* (1989), 12 CHRR D/253 (FCA) at para. 6). In line with ensuring remedial orders are effective in promoting the rights it protects, section 53(2)(a) can also be used to craft remedies designed to educate individuals about the rights enshrined in the *CHRA* (see *Schuyler v. Oneida Nation of the Thames*, 2006 CHRT 34 at paras. 166-170; and *Robichaud v. Brennan* (1989), 11 CHRR D/194 (CHRT) at paras. 15 and 21).

[18] With specific regard to the circumstances of this case, section 53(2)(a) of the *CHRA* has been described as being designed to meet the problem of systemic discrimination (see *Action Travail des Femmes* at p. 1138 referring to the *CHRA*, S.C. 1976-77, c. 33, s. 41(2)(a) [now s. 53(2)(a)]). To combat systemic discrimination, “it is essential to create a climate in which both negative practices and negative attitudes can be challenged and discouraged” (*Action Travail des Femmes* at p. 1139). That is, for the Tribunal to redress and prevent systemic discriminatory practices, it must consider any historical patterns of discrimination in order to design appropriate strategies for the future (see *Action Travail des Femmes* at p. 1141).

[19] It is with these remedial principles in mind that the Panel approaches the task of continuing to craft an effective and meaningful order to address the discriminatory practices identified in the *Decision*.⁶⁶

C. Principles Governing Compliance with Tribunal Orders

79. The decision of *Pictou Landing Band Council v Canada (Attorney General)*, 2013 FC 342 (CanLII)⁶⁷ provides guidance on when it is appropriate to order immediate relief. *Pictou Landing* is a case of judicial review of an INAC funding decision. INAC decided to not reimburse the Pictou Landing Band Council (“PLBC”) for in-home health care for a teenager from Pictou Landing First Nation. Jeremy Meawasige had been diagnosed with hydrocephalus, cerebral palsy, spinal curvature and autism leaving him with high care needs.

⁶⁶ 2016 CHRT 10, at paras. 10-19.

⁶⁷ NAN Book of Authorities, at Tab 6.

INAC refused to reimburse Jeremy's family for his care beyond what was determined to be a normative standard of care. The Federal Court in *Pictou Landing* ultimately found that Jeremy's case should fall under Jordan's Principle, and on this basis, issued a directed verdict instead of remitting the matter back to INAC to reassess and render a decision.

80. While the Federal Court of Appeal has determined that directed verdicts are only to be issued in exceptional circumstances (*Rafuse v Canada (Pension Appeals Board)*, 2002 FCA 31 (CanLII))⁶⁸, the Federal Court in *Pictou Landing* determined that such an order was appropriate as care for Jeremy used up 80% of PLBC's entire funding provided for its Assisted Living Program (ALP) and Home and Community Care Program (HCCP), funded by INAC.
81. NAN submits that the Tribunal should draw an analogy from the *Pictou Landing* case and make a directed order for the immediate relief remedies sought by NAN. The *Pictou Landing* case involved a child with a clear need and the evidence was that this need should be funded; however, rather than sending the matter back to INAC to reassess and render a decision, the Court proceeded to make the decision itself, via a directed verdict.
82. In the herein proceedings, NAN has requested a series of orders which have been left unaddressed by INAC. There is ample evidence before the Tribunal that NAN's sought relief is tied to clear needs arising from the found discrimination. The Tribunal has repeatedly sought information from INAC about how it is addressing these needs; however, the needs continues to be unmet. Rather than request yet more information from INAC, NAN submits

⁶⁸ NAN Book of Authorities, at Tab 8.

that the Tribunal should issue its version of a directed verdict: a directed order with concrete timeframes.

83. Just as the Federal Court found that there could be no acceptable or appropriate basis for INAC continuing to deny Pictou Landing Band Council re-imbursement funding for care to Jeremy, this Tribunal should similarly find that INAC has no legitimate basis for continuing to drag its feet on implementing measures that would meet the needs of children and families in NAN communities. In light of this, the Tribunal is positioned to make a directed order, in the same way the Federal Court issued a directed verdict in *Pictou Landing*.
84. The leading case that sets the parameters on making a directed verdict is the Supreme Court of Canada's decision in *Giguère v. Chambre des notaires du Québec*, [2004] 1 SCR 3, 2004 SCC 1 (CanLII)⁶⁹. At paragraph 66, the decision states that "a case may not be sent back to the competent authority if it is no longer fit to act". Based on INAC's continued demonstration of an inability to remedy its discriminatory practice after more than a year since the Tribunal's January decision, INAC cannot be said to be fit to act without the Tribunal's explicit directions.
85. In *Canada (Public Safety and Emergency Preparedness) v. LeBon*, 2013 FCA 55 (CanLII)⁷⁰ at paras 13-14, the Federal Court of Appeal noted that directed verdicts fall within the general law of *mandamus*, or a court's authority to render a mandatory order. While NAN recognizes that the Tribunal does not have the powers of *mandamus*, NAN argues that the Tribunal has *mandamus*-like powers in making its orders, and should therefore use the Federal Court's

⁶⁹ NAN Book of Authorities, at Tab 5.

⁷⁰ NAN Book of Authorities, at Tab 3.

jurisprudence on mandamus for instructive purposes. In light of this, the Tribunal should continue to consider the “directed verdict” analogy in order to support its authority to make a directed order.

86. In support of this, the Tribunal should rely on the Federal Court’s recent decision in *Southern Chiefs Organization Inc. v. Dumas*, 2016 FC 837 (CanLII)⁷¹ for guidance. In *Southern Chiefs*, the Federal Court sets out the parameters on mandamus. At paragraph 52 of *Southern Chiefs* the Federal Court sets out the criteria for a mandamus order: the following:

The Federal Court of Appeal summarized the necessary criteria to issue a mandamus order in *Canada (Attorney General) v Arsenault*, 2009 FCA 300 (CanLII)⁷² at para 32:

1. There must be a public legal duty to act;
2. The duty must be owed to the applicant;
3. There is a clear right to the performance of that duty, in particular:
 - a. the applicant has satisfied all conditions precedent giving rise to the duty;
 - b. here was a prior demand for performance of the duty, a reasonable time to comply with the demand, and a subsequent refusal which can be either expressed or implied;
4. Where the duty sought to be enforced is discretionary, the following rules apply:
 - a. in exercising a discretion, the decision-maker must not act in a manner which can be characterized as “unfair”, “oppressive” or demonstrate “flagrant impropriety” or “bad faith”;
 - b. mandamus is unavailable if the decision-maker’s discretion is characterized as being “unqualified”, “absolute”, “permissive” or “unfettered”;
 - c. in the exercise of a “fettered” discretion, the decision-maker must act upon “relevant”, as opposed to “irrelevant”, considerations;
 - d. mandamus is unavailable to compel the exercise of a “fettered discretion” in a particular way; and

⁷¹ NAN Book of Authorities, at Tab 9.

⁷² NAN Book of Authorities, at Tab 2.

- e. mandamus is only available when the decision-maker's discretion is "spent"; i.e., the applicant has a vested right to the performance of the duty;
 - 5. No other adequate remedy is available to the applicant;
 - 6. The order sought will be of some practical value or effect;
 - 7. The court in the exercise of its discretion finds no equitable bar to the relief sought;
 - 8. On a "balance of convenience" an order in the nature of mandamus favours the applicant.
87. The framework supports the argument that due to the fact that INAC has been found to be discriminating against 163, 000 First Nations children on reserve, the Tribunal should make directed orders that point to specific actions that INAC must undertake as immediate relief measures to relieve ongoing discrimination. This criteria, while not binding on the Tribunal provides a usable and appropriate framework of analysis. If we consider the issue of mental health services in Ontario as but one example, it is clear that INAC has a public legal duty to act to end the found discrimination caused by not funding this much needed service. INAC has had a reasonable timeframe to come up with a plan to fund mental health services in Ontario. The nearly 13 months of non-action (and in some cases, unilateral actions) by INAC can be reasonably interpreted as refusals to the specific relief sought by NAN and COO, expressly or implied. In the case of mental health services in Ontario, INAC's inaction is both unfair and oppressive to children and families in need. There are no other adequate remedies available other than funding mental health services in Ontario.
88. Without specific orders from the Tribunal, there will be further delay for immediate relief and the found discrimination will continue. Here again, the analogy that NAN argues the Tribunal should consider is the "administrative delay". In this vein, NAN draws the Tribunal's attention to the Supreme Court of Canada's decision in *Blencoe v. British Columbia (Human Rights Commission)*, 2000 SCC 44 (CanLII), [2000] 2 S.C.R. 307

(*Blencoe*)⁷³. At para 160 of *Blencoe* the Court explores how to assess the reasonableness of an administrative delay. Ultimately, the court states that the following should be considered:

- the time taken compared to the inherent time requirements of the matter before the particular administrative body, which would encompass legal complexities (including the presence of any especially complex systemic issues) and factual complexities (including the need to gather large amounts of information or technical data), as well as reasonable periods of time for procedural safeguards that protect parties or the public;
- the causes of delay beyond the inherent time requirements of the matter, which would include consideration of such elements as whether the affected individual contributed to or waived parts of the delay and whether the administrative body used as efficiently as possible those resources it had available; and
- the impact of the delay, considered as encompassing both prejudice in an evidentiary sense and other harms to the lives of real people impacted by the ongoing delay. This may also include a consideration of the efforts by various parties to minimize negative impacts by providing information or interim solutions.

89. Applying these three factors, the time it has taken for INAC to comply with immediate relief is inordinate, especially in light of the fact that these proceedings have been ongoing for more than 10 years. The impact of INAC's continued delay is ongoing discrimination against

⁷³ NAN Book of Authorities, at Tab 1.

an exceptionally vulnerable subset of the population, namely, First Nations children in need of protection.

PART IV: ORDERS REQUESTED

90. NAN seeks the following relief:

A. Mental Health

- a. An order that INAC has failed to comply with the Tribunal's order at 2016 CHRT 2, in that INAC has not funded mental health services under the *Child and Family Services Act* R.S.O. 1990 c. c-11.
- b. An order that INAC immediately fund mental health services in Ontario pursuant to the *Child and Family Services Act*, R.S.O. 1990 c. c-11 and any act which amends or replaces that Act.
- c. The Choose Life Order: an order that any Indigenous community that files a proposal (akin to the Wapekeka proposal) identifying children and youth at risk of suicide, should be funded under Jordan's Principle.

B. Remoteness

- a. that INAC apply the remoteness quotients identified in the *Barnes Report*, to all funding for Payukotayno James and Hudson Bay Family Services, Tikinagan Child and Family Services and Kunowanimano Child and Family Services ("NAN-mandated child welfare agencies");
- b. that INAC fund jointly-appointed experts to: (1) obtain remoteness data; and (2) develop a remoteness quotient;

- c. that INAC disclose any and all data collected by INAC with respect to the geography, demographics, and socioeconomic characteristics of First Nation communities that is relevant to an analysis of remoteness, community needs, and/or child welfare infrastructure;
- d. that INAC disclose any and all data held by Health Canada with respect to remoteness expenses in the context of providing health services to First Nations;
- e. that INAC disclose any and all data held by Public Safety Canada with respect to remoteness expenses in the context of providing policing services to First Nations;
- f. that INAC fund an immediate update of the Barnes Report, using data from the 2006 census, 2011 national household survey, and from INAC, as set out in the Affidavit of Thomas A. Wilson and David Barnes;
- g. that INAC fund a second update of the Barnes Report, using data from the 2016 census and from INAC, when the 2016 data becomes available, as set out in the Affidavit of Thomas A. Wilson and David Barnes;
- h. that INAC fund the design and implementation of a direct survey of First Nations in northern Ontario with respect to community child welfare needs and infrastructure, as set out in the Affidavit of Thomas A. Wilson and David Barnes;
and
- i. that INAC fund the collection of all data set out in paragraph 21 of the Affidavit of Thomas A. Wilson and David Barnes, for analysis and use in the development of a more robust remoteness coefficient in the medium-to-long term.

C. Agency-Specific Relief

- a. that INAC fund the current debts and deficits of all NAN-mandated child welfare agencies; and,
- b. that INAC fund a Capital Needs Assessment Study for all NAN-mandated child welfare agencies.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

THIS 28th DAY OF FEBRUARY, 2017



FALCONER LLP

Barristers-at-Law

10 Alcorn Avenue, Suite 204

Toronto, Ontario M4V 3A9

Julian N. Falconer

L.S.U.C. # 29465R

Anthony Morgan

L.S.U.C. # 64163F

Akosua Matthews

L.S.U.C. # 65621V

Tel: (416) 964-0495

Fax: (416) 929-8179

Lawyers for Interested Party, Nishnawbe Aski
Nation ("NAN")

SCHEDULE "A" – LIST OF AUTHORITIES

<u>TAB</u>	<u>AUTHORITY</u>
1	<i>Blencoe v. British Columbia (Human Rights Commission)</i> , 2000 SCC 44
2	<i>Canada (Attorney General) v Arsenault</i> , 2009 FCA 300
3	<i>Canada (Public Safety and Emergency Preparedness) v. LeBon</i> , 2013 FCA 55
4	<i>CN v. Canada (Canadian Human Rights Commission)</i> , [1987] 1 SCR 1114, 1987 CanLII 109 (SCC)
5	<i>Giguère v. Chambre des notaires du Québec</i> , [2004] 1 SCR 3, 2004 SCC 1
6	<i>Pictou Landing Band Council v Canada (Attorney General)</i> , 2013 FC 342
7	<i>National Capital Alliance on Race Relations v. Canada</i> (Department of Health & Welfare), 1997
8	<i>Rafuse v Canada (Pension Appeals Board)</i> 2002 FCA 31
9	<i>Southern Chiefs Organization Inc. v. Dumas</i> , 2016 FC 837

SCHEDULE "B" – STATUTES AND REGULATIONS

Canadian Human Rights Act (R.S.C., 1985, c. H-6)

Purpose of Act

2. to give effect... to the principle that all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices...

...

Special programs

16 (1) It is not a discriminatory practice for a person to adopt or carry out a special program, plan or arrangement designed to prevent disadvantages that are likely to be suffered by, or to eliminate or reduce disadvantages that are suffered by, any group of individuals when those disadvantages would be based on or related to the prohibited grounds of discrimination, by improving opportunities respecting goods, services, facilities, accommodation or employment in relation to that group. [Emphasis Added]

...

Collection of information relating to prohibited grounds

16(3) It is not a discriminatory practice to collect information relating to a prohibited ground of discrimination if the information is intended to be used in adopting or carrying out a special program, plan or arrangement under subsection (1).

...

Complaint substantiated

53 (2) If at the conclusion of the inquiry the member or panel finds that the complaint is substantiated, the member or panel may, subject to section 54, make an order against the person found to be engaging or to have engaged in the discriminatory practice and include in the order any of the following terms that the member or panel considers appropriate:

(a) that the person cease the discriminatory practice and take measures, in consultation with the Commission on the general purposes of the measures, to redress the practice or to prevent the same or a similar practice from occurring in future, including (i) the adoption of a special program, plan or arrangement referred to in subsection 16(1).

CANADIAN HUMAN RIGHTS TRIBUNAL

B E T W E E N :

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA
and the ASSEMBLY OF FIRST NATIONS**

Complainants

– and –

CANADIAN HUMAN RIGHTS COMMISSION

Commission

– and –

**ATTORNEY GENERAL OF CANADA
(representing the Minister of Indian and Northern Affairs)**

Respondent

– and –

**CHIEFS OF ONTARIO, AMNESTY INTERNATIONAL
CANADA and NISHNAWBE ASKI NATION**

Interested Parties

**SUBMISSIONS OF THE CANADIAN HUMAN RIGHTS COMMISSION
ON THE MOTIONS FILED BY THE PARTIES
with respect to the FNCFCS Program and the 1965 Agreement**

Daniel Poulin, Samar Musallam
CANADIAN HUMAN RIGHTS COMMISSION
Legal Services Division
344 Slater Street, 9th Floor
Ottawa, Ontario K1A 1E1

Tel.: (613) 947-6399/943-9093
Fax.: (613) 993-308
Email: daniel.poulin@chrc-ccdp.gc.ca
samar.musallam@chrc-ccdp.gc.ca

TO: CANADIAN HUMAN RIGHTS TRIBUNAL
Attn: Dragisa Adzic, Registry Officer
160 Elgin Street, 11th Floor
Ottawa, ON K1A 1J4

AND TO: David P. Taylor
JURISTES POWER | POWER LAW
130 Albert Street, Suite 1103
Ottawa, ON K1P 5G4
Phone: (613) 702-5568
Fax: (888) 404-2227
Email: dtaylor@juristespower.ca
**Counsel for the Complainant,
First Nations Child and Family Caring Society of Canada**

AND TO: David C. Nahwegahbow
NAHWEGAHBOW, CORBIERE
Genoodmagejig/Barristers & Solicitors
5884 Rama Road, Suite 109
Rama, ON L3V 6H6
Phone: (705) 325-0520
Fax: (705) 325-7204
Email: dndaystar@nncfirm.ca

Stuart Wuttke
ASSEMBLY OF FIRST NATIONS
55 Metcalfe Street, Suite 1600
Ottawa, ON K1P 6L5
Phone: (613) 241-6789
Fax: (613) 241-5808
Email: swuttke@afn.ca
Co-Counsel for the Complainant, Assembly of First Nations

AND TO: Jonathan Tarlton, Melissa Chan, Patricia MacPhee, Anne Turley
Atlantic Regional Office
JUSTICE CANADA
Duke Tower, 5251 Duke Street, Suite 1400
Halifax, NS B3J 1P3
Phone: (902) 426-5959
Fax: (902) 426-8796
Email: Jonathan.Tarlton@justice.gc.ca
Melissa.Chan@justice.gc.ca
patricia.macphee@justice.gc.ca
Anne.Turley@justice.gc.ca
Counsel for the Respondent, the Attorney General of Canada

AND TO: Maggie Wenté
Olthuis, Kleer, Townshend LLP
250 University Avenue, 8th floor
Toronto, ON M5H 3E5
Tel: (416) 981-9330
Fax: (416) 981-9350
Email: MWente@oktlaw.com
Counsel for the Interested Party, the Chiefs of Ontario

AND TO: Justin Safayeni
Stockwoods LLP Barristers
TD North Tower
77 King Street West, Suite 4130
PO Box 140
Toronto Dominion Centre
Toronto, ON M5K 1H1
T: (416) 593-3494
F: (416) 593-9345
Email: justins@stockwoods.ca
Counsel for the Interested Party, Amnesty International Canada

AND TO: Julian Falconer, Anthony Morgan, Akosua Matthews
Falconers LLP
10 Alcorn Avenue, Suite 204
Toronto, ON M4V 3A9
Phone: (416) 964-0495
Fax: (416) 929-8179
Email: julianf@falconers.ca
AnthonyM@falconers.ca
akosuam@falconers.ca
Counsel for the Interested Party, Nishnawbe Aski Nation

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CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA
and ASSEMBLY OF FIRST NATIONS**

Complainants

and

CANADIAN HUMAN RIGHTS COMMISSION

Commission

and

**ATTORNEY GENERAL OF CANADA
(representing the Minister of Indian and Northern Affairs)**

Respondent

and

**CHIEFS OF ONTARIO and AMNESTY INTERNATIONAL CANADA
and NISHNAWBE ASKI NATION**

Interested Parties

**SUBMISSIONS OF THE CANADIAN HUMAN RIGHTS COMMISSION
ON THE MOTIONS FILED BY THE PARTIES
with respect to the FNCFCS Program and the 1965 Agreement**

Overview

1. These are the written submissions of the Commission in response to the motions filed by the Complainants, the First Nations Child and Family Caring Society of Canada (“Caring Society”) and the Assembly of First Nations (“AFN”), and the Interested Parties, Chiefs of Ontario (“COO”) and the Nishnawbe Aski Nation (“NAN”) (all together, the “Moving Parties”).

2. The Moving Parties seek various remedies relating to the First Nations Children and Family Services Program (the “Program”) of the Respondent (“Canada”), and/or the *Memorandum of Agreement Respecting Welfare Programs for Indians applicable in Ontario* (the “1965 Agreement”). Among other things, they seek (i) findings that Canada has failed to remedy the discriminatory practices identified in the Tribunal’s decision, (ii) Orders that Canada provide specific forms of immediate relief, for example by funding the actual costs of certain services, or making specific changes to funding formulas, (iii) Orders requiring that Canada work and consult with some or all of the Moving Parties, and/or the Commission, to eliminate the discriminatory practices, including by funding the design and conduct of various studies or needs assessments, and (iv) Orders requiring that Canada take certain steps to publicize any changes in approach.
3. In exercising its remedial jurisdiction on these motions, the Tribunal should craft meaningful, effective and unambiguous remedies, with realistic deadlines, that flow from the discriminatory practices identified in its decisions. In doing so, it should have due regard for the separation of powers – which generally indicates that where multiple methods for remedying a discriminatory practice may exist, policy-making respondents are at liberty to choose the precise method to be implemented.
4. On the critical question of mental health services for First Nations children in Ontario, the Tribunal should make a binding order that requires Canada to have measures in place, effective immediately, to ensure that (i) funding is available to fill existing gaps (whether through Jordan’s Principle or otherwise), and (ii) the related procedures have been communicated to all necessary employees of Canada, to Agencies and other stakeholders, and to the general public.
5. With respect to the other subjects at issue on these motions, the Commission generally asks the Tribunal to (i) find that Canada has yet to fully eliminate the discriminatory practices identified in the Tribunal’s initial decision, (ii) order that Canada take all steps needed to eliminate those practices on or before specified deadlines, in consultation with the Caring Society, AFN and the Commission, and also with COO and NAN on the

issues that affect their interests, and (iii) require that Canada report to the Tribunal about the steps taken by the specified deadlines.

Related Submissions

6. These submissions should be read together with the separate submissions to be filed by the Commission in response to the Caring Society's motion seeking various orders with respect to Jordan's Principle.

PART I – Background

7. The Moving Parties have already provided detailed submissions that canvas the factual background relevant to their requests for relief. In the circumstances, the Commission does not propose to provide another detailed statement of background facts. Instead, the Commission generally adopts and endorses the statements of facts provided by the Moving Parties, and proceeds in the next few paragraphs to provide a general and high-level overview of its understanding of the current state of affairs.
8. On January 26, 2016, the Tribunal released its initial Decision with respect to this matter. In that Decision, the Tribunal generally ordered that Canada (i) cease and desist from continuing a number of discriminatory practices, and (ii) make all changes to the Program and the 1965 Agreement that are needed to enable the delivery of services that respect the principle of substantive equality, and comply with the *CHRA*.¹ In essence, the Tribunal's Decision sets targets for Canada to meet. The Tribunal remained seized to oversee the immediate, medium and long-term implementation of the necessary remedies.
9. After the Decision, Canada announced Budget 2016, which increased funding for child and family services, based on decisions that had already been made before the Tribunal's ruling was released. Budget 2016 plans to deliver this funding using a 5-year phased approach, ostensibly based on concerns that FNCFS Agencies need time to grow their organizations before full funding begins to flow. Also since the Decision, Canada (i) began certain forms of direct regional and Agency consultation (through the Ministerial Special Representative (MSR) and Agency survey), without consulting the Caring

¹ See, for example, 2016 CHRT 16 at para. 2.

- Society, AFN or the Commission on those measures, and (ii) proceeded with the establishment of the National Advisory Committee (NAC), which is intended as a vehicle for national-level consultations on all aspects of program reform.
10. Canada has taken some additional interim steps intended to increase compliance with the Tribunal's Decisions, for example by (i) increasing child service purchase amounts, (ii) modifying population thresholds for formulaic reductions for small agencies, (iii) expressing openness to case-by-case funding requests for minor capital projects, and (iv) taking certain steps to broaden its approach to Jordan's Principle – for example, by advising that Jordan's Principle funding may be available to fill gaps for mental health services in Ontario. However, Canada generally believes that any more substantial reforms will have to wait for the completion of the Agency survey, and other forms of stakeholder consultation.
 11. With respect to the Agency survey, Canada has asked Agencies to provide statements of their needs by June 30, 2017, and provided them with some funding to undertake that work. It is unknown how long it will take after that for data to be analyzed and actioned. As for the NAC, its approved Terms of Reference anticipate the delivery of its final recommendations by January 31, 2018, although the possibility of extensions is contemplated.
 12. In light of perceived delays on the part of Canada in enabling concrete improvements to front-line service delivery, the Moving Parties have brought the current motions, seeking orders for immediate relief, pending the outcome of ongoing or proposed consultations and studies.

PART II – Questions at Issue

13. The Commission submits the Moving Parties' motions generally give rise to the following questions:
 - a. What authority does the Tribunal have to consider motions relating to the implementation of its previous decisions?

- b. Should the Tribunal find that Canada has not yet fully remedied the discriminatory practices identified in its initial ruling?
- c. Should the Tribunal make any additional orders to help ensure that effective remedies are forthcoming?

PART III – Arguments

A.) Authority of the Tribunal

(i) Remaining Seized to Oversee Implementation

- 14. The *CHRA* is remedial legislation that aims to eradicate discrimination. It is to be given a broad and liberal interpretation that best facilitates this objective. With this in mind, the Federal Court has held that the Tribunal can properly use the wide powers in s. 53(2) of the *CHRA* to award effective remedies, and to retain a broad jurisdiction to return to specified matters to ensure that the ordered remedies are forthcoming. Underlying this conclusion is a recognition that it will often be desirable for a Tribunal decision to simply set guidelines, and leave it to the parties to work out the details of a remedy, in accordance with those guidelines. In such circumstances, to deny the Tribunal's power to reserve jurisdiction and oversee implementation would be overly formalistic, and would defeat the remedial purpose of the legislation.²
- 15. Where the Tribunal has retained jurisdiction to facilitate implementation of an order, and a dispute subsequently arises, it is open to the Tribunal to reconvene the hearing to (i) make findings about whether a party has complied with the terms of the original order, and (ii) clarify and supplement the original order, if further direction is needed to address the discriminatory practice identified in the original order. In such circumstances, the Tribunal does not change its initial decision, nor does it implement a different remedy than was originally provided. Indeed, the Tribunal would overstep its jurisdiction if it

² *Grover v. Canada (National Research Council – NRC)*, [1994] F.C.J. No. 1000 at paras. 31-33 (T.D.); *Canada (Attorney General) v. Moore*, [1998] F.C.J. No. 1128 at paras. 48-50 (T.D.). For more recent Tribunal decisions confirming the power to retain jurisdiction to oversee implementation, see: *Warman v. Beaumont*, [2009] C.H.R.D. No. 32 at paras. 5-6; and *Berberi v. Canada (Attorney General)*, 2011 CHRT 23 at paras. 12-16 (result upheld 2013 FC 921).

were to extend the scope of a reconvened inquiry to include matters that were not raised or dealt with at the original hearing.³

16. Based on the foregoing, the Commission submits that the Tribunal in this case has validly retained the authority to (i) make a finding about whether Canada has complied with its previous rulings with respect to reform of the FNCFS program, (ii) clarify or supplement the original Decisions, if necessary or appropriate to provide additional guidance to the parties on how to implement the original remedies, and (iii) extend the period for which it will remain seized of issues concerning implementation, if considered appropriate.
17. It bears emphasizing that the Tribunal does not have the statutory authority to enforce its own Orders. That power is assigned to the Federal Court, pursuant to s. 57 of the *CHRA*. Instead, the ultimate task of the Tribunal is to arrive at an Order that is clear and unambiguous, in terms of content and timeline.
18. In considering whether to make additional orders regarding implementation, the Tribunal should bear in mind general principles regarding the appropriate separation of powers between quasi-judicial decision-makers and policy-making bodies. As the B.C. Human Rights Tribunal has stated, a key proposition in this regard is that where there could be multiple ways of remedying a discriminatory practice, decision-makers should generally leave the precise method of remedying the breach to the body charged with responsibility for implementing the Order.⁴

(ii) *Burden of Proof on a Motion Alleging Non-Compliance*

19. Some of the Moving Parties have raised issues regarding who properly bears the burden of proof in proceedings relating to the implementation of a Tribunal decision.⁵
20. The Commission submits the initial burden to demonstrate the motions should be granted rests with the Moving Parties. This would be consistent with the approach taken by the Human Rights Tribunal of Ontario in *McKinnon v. Ministry of Correctional Services*. In

³ *Grover v. Canada (National Research Council – NRC)*, *supra* at paras. 37 and 45; *Canada (Attorney General) v. Moore*, *supra* at paras. 55 and 70; and *Milazzo v. Autocar Connaisseur Inc.*, [2005] C.H.R.D. No. 3 at paras. 20-21.

⁴ *Moore v. British Columbia (Ministry of Education)*, 2005 BCHRT 580, [2005] B.C.H.R.T.D. No. 580 at para. 1012 (upheld, but remedies varied, by SCC).

⁵ See, for example, Caring Society Submissions at paras. 174-178; and AFN Submissions at paras. 85-89.

that case, the HRTO concluded that a complainant bore the initial burden of proving non-compliance with remedial orders. Only after that point would the burden then shift to the respondent, to rebut the resulting presumption that, by virtue of the non-compliance, the discriminatory practices continued.⁶

21. That said, the evidentiary requirement on the complainant is not necessarily an onerous one. As the HRTO held in a subsequent ruling in *McKinnon*, where a complainant alleges non-compliance with sufficient particulars to dispel any notion that the allegations are frivolous or vexatious, it will be appropriate to require the respondent to present its evidence confirming compliance.⁷

B.) The Tribunal Should Find that Canada is Not Yet in Full Compliance

22. The Commission is encouraged by evidence that increased funding was announced in Budget 2016, that a number of immediate measures have been taken, that a process is underway to assess Agency needs, and that certain consultation processes have begun to move forward.
23. At the same time, as demonstrated in the submissions of the Caring Society and the other Moving Parties, there is also evidence that work remains to be done to eradicate the discriminatory practices identified in the Tribunal's Decisions. Indeed, the Commission does not understand Canada to argue otherwise – and instead believes that the real focus of the present motions is on whether Canada is moving quickly enough in the right direction, and not on whether the steps taken to date have been adequate to bring Canada into full compliance.
24. In all the circumstances, the Commission agrees that, despite a number of positive and encouraging developments, Canada is not yet in full compliance with Tribunal's rulings. It is therefore open to the Tribunal to provide additional clarification and/or guidance.

⁶ *McKinnon v. Ontario (Ministry of Correctional Services)*, [2002] OHRBID No. 22 at paras. 28-29 (aff'd by the Divisional Court, and the Ontario Court of Appeal).

⁷ *McKinnon v. Ontario (Ministry of Correctional Services)*, 2009 HRTO 862 at paras. 29-30.

C.) Should the Tribunal Grant the Additional Orders Sought?

(i) The Commission's Proposed Approach to Implementation

25. The thrust of the Tribunal's decisions has been to require that Canada fund Agencies in a manner that better reflects their actual needs, thus enabling them to better respond to the needs of the communities they serve, and deliver a comprehensive range of services that are consistent with the principle of substantive equality.⁸ Accomplishing this overarching goal will be a complex task, requiring that – among other things – Canada gather accurate and up-to-date information about the needs of Agencies, and make policy-informed choices about how to meet those needs, bearing in mind its obligation to ensure the responsible expenditure of public funds.
26. The Commission generally agrees that further guidance is appropriate, to help steer the process of achieving full compliance with the Tribunal's findings. For example, as will be discussed further below, the Commission agrees it would be appropriate to make an order ensuring that critical gaps in mental health services in Ontario are being addressed. However, the Commission does not join the Moving Parties at this time in requesting other Orders that would require Canada to cover actual costs incurred by Agencies, make immediate and specific changes to funding formulas or procedures, or commit now to providing future funding for additional studies or needs assessments requested by the Moving Parties.
27. Instead, the Commission proposes an approach that it believes is consistent with the case law regarding the retention of jurisdiction, and the separation of powers – namely, that the Tribunal order that Canada (i) consult with the appropriate parties, (ii) put concrete measures and plans in place by specified deadlines to eradicate the discriminatory practices identified in the earlier rulings, (iii) take adequate steps to ensure that civil servants, Agencies and the public are made aware of any new policies and procedures, and (iv) provide reports by the specified deadlines, detailing the measures and plans put in place. The length of the deadlines to be attached to particular items could vary,

⁸ See, for example, 2016 CHRT 16 at paras. 33-35.

depending on the complexity of the task, whether there is a need to gather or generate necessary input data, and the breadth of any consultations necessary.

28. The Commission acknowledges that the Tribunal's implementation decisions to date have already clarified the discriminatory practices to be addressed, provided directions and suggestions about which aspects of the Program and 1965 Agreement could be improved in the immediate term, directed the sharing of information, and strongly encouraged the parties to work together to develop solutions, outside of the Tribunal hearing room.⁹ These decisions have been very helpful. With respect, what remains at this point is for the Tribunal to give Canada specific and realistic deadlines, and clear instructions about its obligations to consult in working towards those deadlines.

(ii) *General Comments about Orders for Consultation*

29. The Tribunal has stressed the importance of consultation with appropriate experts, including the Moving Parties, in bringing the Program and the 1965 Agreement into compliance with the *CHRA*.¹⁰ However, it does not yet appear to have made a binding order creating enforceable obligations in that regard. In the absence of such an order, some disagreements have arisen, for example around Canada's decision not to consult with the Caring Society or AFN before initiating the Agency survey late last year. In all the circumstances, and as discussed in more detail throughout the balance of these submissions, the Commission submits the time is right for the Tribunal to make a binding order under s. 53(2)(a) of the *CHRA*, requiring Canada to consult not only with the Commission, but also directly with the Moving Parties.
30. In *Canada (Attorney General) v. Johnstone*,¹¹ the Federal Court of Appeal struck out a Tribunal order that required the Canada Border Services Agency to adopt policies "satisfactory" to the Commission and the complainant. It found that s. 53(2)(a) did not specifically allow for such a remedy, and that the Tribunal had not provided any explanation for its authority to impose such a requirement – with the result that the

⁹ For comments urging the parties to work collaboratively to identify solutions, see: 2016 CHRT 10 at paras. 40-42; and 2016 CHRT 16 at paras. 11-12.

¹⁰ See, for example: 2016 CHRT 16 at paras. 10-12.

¹¹ *Canada (Attorney General) v. Johnstone*, 2014 FCA 110, [2014] F.C.J. No. 455.

outcome was unreasonable, in the sense that it lacked justification, transparency and intelligibility.

31. The *Johnstone* ruling might arguably be read as calling into question the Tribunal's authority to order that a respondent consult with anyone other than the Commission when implementing public interest remedies. However, with all due respect to the Court of Appeal, the Commission submits that s. 53(2)(a) should allow for Orders requiring consultation directly with the Moving Parties, in the context of this proceeding. This is the case for several reasons.
32. First, allowing for such consultation will promote reconciliation with Indigenous peoples. Indeed, bearing in mind constitutional changes, apologies for historic wrongs, and the reports of the Royal Commission on Aboriginal Peoples (RCAP) and the Truth and Reconciliation Commission (TRC), the Supreme Court of Canada has declared in *Daniels* that "...reconciliation with all of Canada's Aboriginal peoples is Parliament's goal."¹² Including the voices of the Moving Parties in the reform of services that directly affect their interests, and the Indigenous children and communities they serve, will further this objective, giving voice to those who have historically been excluded from decision-making processes. Section 53(2)(a) of the *CHRA* should be expansively interpreted to allow this to happen.
33. Second, a number of recent decisions and reports have lamented the suffering that resulted when past decisions about the welfare of Indigenous children were made without the direct involvement of Indigenous stakeholders.¹³ Using s. 53(2)(a) of the *CHRA* to require consultation with Indigenous stakeholder organizations will help to ensure that the current reform of the Program and the 1965 Agreement does not repeat the mistakes of the past.
34. Third, there can be no doubt that the Caring Society and AFN have invaluable expertise to contribute to any discussion about reform of the Program and 1965 Agreement, and that COO and NAN share expertise about such matters as they relate to their constituent

¹² *Daniels v. Canada (Indian Affairs and Northern Development)*, 2016 SCC 12, [2016] 1 S.C.R. 9, at para. 37.

¹³ See, for example: *Brown v. Canada (Attorney General)*, 2017 ONSC 251 at paras. 4-7. [AFN Book of Authorities, Tab 9]; and *Catholic Children's Aid Society of Hamilton v. G.H.*, 2016 ONSC 6287 at paras. 26, 27 & 71; and the Report of the Truth and Reconciliation Commission.

communities in Ontario. Indeed, the Tribunal has already recognized that INAC is not itself an expert in the delivery of child welfare services, and that consulting with experts (such as the Caring Society) should therefore be a priority.¹⁴

35. For all these reasons, when the Commission refers in these submissions to the importance of consultation, it should be taken to refer to meaningful consultation, held in good faith, on the basis of necessary shared information and data, with both the Moving Parties and the Commission.

(iii) *Immediate Relief regarding Mental Health Services in Ontario*

36. COO and NAN have sought orders requiring that INAC fund mental health services in Ontario.¹⁵ In support of their requests, they have described evidence indicating that (i) Budget 2016 does not specifically provide for increases in mental health services to First Nations children in Ontario, (ii) responsible officials do not appear to have a full understanding of the 1965 Agreement as it relates to mental health services, (iii) Canada currently has no concrete plans or deadlines for analyzing or addressing information gaps around mental health services, and (iv) although Jordan's Principle can be used to fill gaps as an interim measure, this message has not been clearly delivered to government officials or stakeholders, and few children nationally have actually received services through this mechanism to date.¹⁶
37. The Commission accepts and endorses these descriptions of the relevant evidence, and agrees there are critical gaps in the provision of mental health services in Ontario that demand immediate attention. Indeed, the Moving Parties have described evidence that underscores the need for action. Specifically, they have described the tragic events that took place in Wapekeka First Nation, where two 12-year old Indigenous girls – Jolynn Winter, and Chantel Fox – took their own lives in January of 2017. Although the Nation had requested emergency mental health funding from the regional office of Health Canada's First Nation and Inuit Health Branch (FNIHB) months earlier, in part based on word of a suicide pact in the community, the request was denied – apparently without any consideration of whether funding might have been made available through Jordan's

¹⁴ *Supra*, at note 10.

¹⁵ COO submissions at para. 98(iii); and NAN submissions at para. 90(A).

¹⁶ See, for example: COO submissions at paras. 27-42; and NAN submissions at paras. 17-43.

Principle. During cross-examination, Health Canada's affiant on these motions confirmed that the request could have qualified for such funding.¹⁷

38. The Commission acknowledges that in the longer term, Canada may need to consult with Ontario about any changes to the 1965 Agreement touching on the provision of mental health services to First Nations children in the province. However, there is nothing that would prevent Canada from directly funding such services in the meantime. Indeed, Canada appears to have recognized as much, stating that – at a minimum – funding for mental health services can and should be available through Jordan's Principle.
39. In all the circumstances, for the sake of clarity, the Commission asks for an immediate Order requiring that Canada (i) ensure that funding is available, through Jordan's Principle or otherwise, to fill gaps that exist with respect to the delivery of mental health services to First Nations children in Ontario, (ii) ensure that the availability of such funding, and the procedures by which such funding is made available, have been communicated to all employees of Canada responsible for administering the procedures, to First Nations, Agencies and other stakeholders, and to the public; and (iii) within 30 days of the Tribunal's Order, provide a report to the Tribunal, confirming Canada's compliance.

(iv) Requests for Orders Requiring Immediate Funding of Actual Costs

40. The Moving Parties have variously asked for Orders requiring that Canada immediately, and/or retroactively, fund the actual costs of certain capital improvements or services relating to the delivery of substantively equal child welfare services. For example, requests have been made for Orders requiring that Canada fund the actual cost of:
 - legal fees incurred by Agencies;¹⁸
 - building repairs, where an Agency has received notice that repairs are necessary to comply with applicable codes and regulations, or there is other evidence of non-compliance with such codes and regulations;¹⁹

¹⁷ See, for example, the evidence described in the following passages: COO submissions at para. 58; and NAN submissions at para. 36.

¹⁸ Caring Society submissions at para. 207.

¹⁹ Caring Society submissions at para. 196.

- intake and investigations work (i.e., receipt, assessment and investigation of child protection reports);²⁰
 - band representative services in Ontario;²¹ and
 - such prevention services as are determined by Agencies to be in the best interests of First Nations children.²²
41. The Commission agrees that the Tribunal's earlier implementation decisions have identified all these items as ones that ought to be addressed in the immediate term, and that the Moving Parties' submissions have raised concerns showing that aspects of these matters still need to be addressed. However, based on the evidence available to date, and bearing in mind the need to allow Canada some flexibility in selecting the precise methods by which discriminatory practices are to be eliminated, the Commission does not feel that orders to fund these actual costs are appropriate at this time. As a result, the Commission does not now join the Moving Parties in seeking these orders.
42. Instead, the Commission submits that the best approach for these immediate relief items would be an Order that gives Canada (i) four months from the date of the Order to consult with the Moving Parties and the Commission about the best methods for addressing these items, and put in place concrete measures to address the items, and (ii) an additional two months to deliver a detailed report to the Tribunal, explaining the concrete measures that have been put in place, how they have been communicated to staff, stakeholders and the public, and how they are expected to eliminate the adverse discriminatory impacts identified by the Tribunal.
43. The Commission anticipates that Canada may argue that more time is necessary to consult with various stakeholders, other than the Moving Parties and the Commission, before these items can be addressed. The Commission does not agree. It appears that all these matters are ones that could be dealt with through the provision of appropriate funding directly from Canada to the Agencies, without the need for the involvement or approval of other parties. Further, and in any event, nothing in the Order proposed by the

²⁰ Caring Society submissions at para. 217.

²¹ COO submissions at para. 83.

²² AFN submissions at para. 146 (asking for funding of actual costs within 60 days).

Commission would prevent longer-term consultation with the Moving Parties or other stakeholders, with the goal of realizing further improvements.

(v) *Caring Society Requests for Specific Changes to Funding Mechanisms*

44. The Caring Society seeks Orders that would require Canada to immediately change two aspects of the current funding regime. Specifically, it asks that:

- the child service purchase amount be increased from the current level of \$175 per child, to \$200 per child;²³ and
- rather than using 300 children as the population threshold for core FNCFCS Agency funding, Canada use a system of incremental funding for every 25 children, as recommended in the Wen:de report.²⁴

45. The Commission acknowledges the common sense principle that increases to Agency purchasing power will increase their ability to deliver substantively equal services. It also appreciates that Dr. Loxley has opined that increasing funding on an incremental basis would produce better results than Canada's current approach.

46. However, the Commission also notes that the Tribunal's decisions to date have not found that the specific funding alternatives now urged by the Caring Society are necessary to ensure the elimination of the discriminatory practices. It may be that other options or mechanisms are available to Canada that could equally or better contribute to the establishment of an overall system that complies with the *CHRA*. In the circumstances, the Commission believes it would be premature on the current record, and inconsistent with general principles regarding the separation of powers, to order now that Canada make these specific changes to its practices. Instead, the Commission recommends that these topics be included in the scope of a longer-term Order directing consultation, the putting in place of concrete steps to eliminate discrimination, and reporting.

²³ Caring Society submissions at para. 283(b)(iv).

²⁴ Caring Society submissions at para. 283(b)(iii).

(vi) *Caring Society Request for Funding to Enable Participation in the Agency Survey*

47. Canada has offered to provide Agencies with \$25,000 to enable their participation in the Agency survey costing exercise. The Caring Society asks the Tribunal to order that Canada instead pay a minimum of \$25,000 per Agency, to be scaled proportionally upwards for large or multi-site Agencies.²⁵

48. The Commission is mindful of the fact that, while Canada is obliged to implement the Tribunal's decision and eliminate discriminatory practices, it is required to do so in a manner that respects the public nature of its funding. In the absence of greater evidence demonstrating that the amounts actually offered will not permit Agencies to meaningfully participate in the Agency survey, the Commission believes the Tribunal should decline to issue the requested Order, at least at this time.

(vii) *Caring Society Request for an Order Barring Reallocation of Funds*

49. The Caring Society seeks an Order that Canada immediately cease the practice of reallocating costs from other First Nations programs (eg. infrastructure and housing) in order to fund the Program.²⁶

50. There seems little doubt that reallocating funds in this fashion has an adverse impact on the delivery of other important and necessary services on reserves across Canada. The Auditor General of Canada has denounced the practice as "unsustainable," and this Tribunal has already urged Canada to eliminate it.²⁷

51. At the same time, the Tribunal appears to have concluded in its last Implementation Decision that the reallocation of funding from other programs was "outside the four corners of this complaint."²⁸ As a result, the Commission does not now join the Caring Society in seeking an Order prohibiting the practice.

²⁵ Caring Society submissions, at para. 283(e).

²⁶ Caring Society submissions, at para. 269.

²⁷ 2016 CHRT 16 at paras. 56-61.

²⁸ 2016 CHRT 16 at para. 61

(viii) *NAN Request for Immediate Remoteness Adjustments*

52. NAN seeks an Order requiring that Canada immediately apply the remoteness quotients identified in the Barnes Report to all funding for the NAN-mandated child welfare agencies.²⁹
53. The Commission agrees that the Tribunal's earlier implementation decisions have identified remoteness as an item that ought to be addressed in the immediate term³⁰, and that the Moving Parties' submissions have raised concerns showing this matter still needs to be addressed. However, based on the evidence available to date, and bearing in mind the need to allow Canada some flexibility in selecting the precise methods by which discriminatory practices are to be eliminated, the Commission does not feel it would be appropriate to order the adoption of the Barnes Report quotients at this time. As a result, the Commission does not now join NAN in seeking this order.
54. Instead, the Commission submits that the best approach for this immediate relief item would be an Order that gives Canada (i) four months from the date of the Order to consult with the Moving Parties and the Commission about the best methods to address short-term remoteness adjustments, and put in place concrete measures to address the matter in the immediate term, and (ii) an additional two months to deliver a detailed report to the Tribunal, explaining the concrete measures that have been put in place, how they have been communicated to staff, stakeholders and the public, and how they are expected to eliminate the adverse discriminatory impacts identified by the Tribunal.

(ix) *NAN Request for Immediate Payment of Current Agency Debts and Deficits*

55. NAN has requested an Order requiring that Canada fund all the current debts and deficits of the NAN-mandated child welfare agencies.³¹ The Commission appreciates there may be a link between the request and the discriminatory practices – i.e., systemic past underfunding may have led to the development of significant debts and deficits, the management of which currently has a negative impact on front-line service delivery.

²⁹ NAN submissions at para. 90(B)(a).

³⁰ See, for example, 2016 CHRT 16 at para. 81.

³¹ NAN submissions at para. 10.

56. At the same time, the Commission notes that none of the Tribunal's decisions to date have commented on whether the funding of debts and deficits is necessary or required to redress the discriminatory practices it identified. In the circumstances, the Commission believes it would be premature on the current record to order that Canada pay the full debts and deficits of these Agencies. Instead, the Commission recommends that the topic of debts and deficits for all Agencies – not just the NAN-mandated Agencies – be included in the scope of a longer-term Order directing consultation, the putting in place of concrete steps to eliminate discrimination, and reporting.

(x) *Requests for Funding of Specific Studies and Assessments*

57. COO and NAN have variously asked for Orders requiring that Canada fund the design and conduct of certain studies or assessments, for the purpose of informing medium and long-term implementation items. For example, requests have been made for Orders requiring that Canada:

- retain an independent expert, agreed to by COO and NAN, to conduct an “Ontario Special Study” regarding gaps in service under the 1965 Agreement in Ontario, and propose reform options;³²
- fund jointly-appointed experts to obtain remoteness data, and develop a new remoteness quotient (with corresponding orders requiring the production of information relating to the project, and the funding of all costs relating to the collection of data);³³
- fund an immediate update of the Barnes Report, using data from the 2006 census, 2011 national household survey, and from INAC;³⁴
- fund a second future update of the Barnes Report, once data from the 2016 census becomes available;³⁵
- fund the design and implementation of a direct survey of First Nations in northern Ontario with respect to community child welfare needs and infrastructure;³⁶
- fund a capital needs assessment study for all NAN-mandated child welfare agencies.³⁷

³² COO submissions at para. 95.

³³ NAN submissions at para. 45.

³⁴ NAN submissions at para. 90(B)(f).

³⁵ NAN submissions at para. 90(B)(g).

³⁶ NAN submissions at para. 90(B)(h).

58. The Tribunal has already agreed that the proposed Ontario Special Study would “greatly assist” in determining the adequacy the 1965 Agreement in achieving comparability of services, and inform long-term reform to the 1965 Agreement.³⁸ It further noted NAN’s desire for studies that thoroughly review and address the effect of the 1965 Agreement on northern remote communities.³⁹ However, it stopped short of finding that these proposed studies were necessary steps to address the discriminatory practices, nor did it comment in any way on any of the details that would be needed to carry out the studies (e.g. amount of funding, means of choosing who will conduct the studies, scope and methodology, and so on).
59. In the circumstances, and bearing in mind the need to allow Canada some flexibility in selecting the precise methods by which discriminatory practices are to be eliminated, the Commission does not feel that orders to fund these studies are appropriate at this time. As a result, the Commission does not now join the Moving Parties in seeking these orders.
60. Instead, the Commission submits that the best approach for these items would be an Order that gives Canada (i) four months from the date of the Order to consult with the Moving Parties and the Commission about the need to conduct some or all of the requested studies, and the terms of any studies that are to be conducted, and put in place concrete measures to move forward with any approved studies, and (ii) deliver a detailed report to the Tribunal, explaining the concrete measures that have been put in place, how they have been communicated to staff, stakeholders and the public, and how they are expected to eliminate the adverse discriminatory impacts identified by the Tribunal.
- (xi) *Communications and Sharing of Information*
61. The Moving Parties have variously asked for Orders imposing different sorts of obligations on Canada to (i) inform staff, stakeholders and the public about changes to policies and procedures flowing from the Tribunal’s decisions, and (ii) report back to the

³⁷ NAN submissions at para. 90(C)(b).

³⁸ 2016 CHRT 16 at para. 103.

³⁹ 2016 CHRT 16 at para. 102.

Tribunal, the Moving Parties and the Commission about ongoing efforts to achieve full compliance with those decisions.

62. The Commission agrees with the Moving Parties that it is critically important to ensure that key information about the Tribunal decisions, and resulting changes to policies and procedures, is quickly and consistently communicated to employees of Canada responsible for implementing the policies and procedures, Agencies and other stakeholders, and the public. For example, although Canada has said that Agencies may now apply on a case-by-case basis to receive additional funding for certain legal fees or capital expenditures, it was not able to demonstrate that this information had actually been clearly communicated to Agencies themselves.⁴⁰ Without effective communication, positive changes of this kind will effectively be rendered meaningless.
63. For this reason, the Commission joins the Moving Parties in requesting an Order that underscores Canada's obligation to properly publicize any changes to the Program and 1965 Agreement. It submits, however, that the details of such obligations be left as a matter for the parties to discuss as part of the consultations that the Commission encourages the Tribunal to order, and that the communications strategies actually used be described in detail as part of the corresponding reporting obligations.

(xii) Reporting

64. The Moving Parties have variously asked for Orders imposing different sorts of obligations on Canada to report back to the Moving Parties, the Commission and the Tribunal on steps taken, and progress made, in eradicating discriminatory practices.⁴¹
65. The Commission agrees with the Moving Parties that detailed and accurate reporting of this kind is essential to the success of the implementation framework being proposed. Without such reporting, it will be impossible for the Moving Parties, the Commission and the Tribunal to evaluate whether Canada has or has not complied with the Tribunal's orders. For this reason, as already stated, the Commission suggests that Canada be

⁴⁰ See, for example, the Caring Society submissions at paras. 66-68.

⁴¹ See, for example: Caring Society submissions at para. 287; AFN submissions at para. 146; and COO submissions at paras. 97 and 98(vii).

ordered to provide detailed compliance reports, on or before any deadlines that the Tribunal may come to fix for the completion of steps in the implementation process.

CONCLUSION

66. The Commission agrees that immediate relief is warranted on the critical question of mental health services in Ontario, and otherwise proposes a framework by which the Tribunal (i) requires that Canada consult with the Moving Parties and the Commission, (ii) orders Canada to put concrete measures or plans in place by specified deadlines to eradicate discriminatory practices, (iii) directs Canada to take adequate steps to ensure that government officials, Agencies and the public are made aware of any changes to policies and procedures, and (iv) requires the delivery of reports by the specified deadlines, detailing the measures put in place.
67. This approach builds on the Tribunal's repeated comments that negotiation and collaboration are most likely to produce effective reforms, and promote reconciliation. The approach would also be consistent with the wording of s. 53(2)(a) of the *CHRA*, case law concerning the retention of jurisdiction to oversee implementation, and important principles regarding the separation of powers and responsible use of public funds. The Commission further believes that it would also be consistent with the submissions of AFN, which generally seek (among other things) the creation of protocols for consultation that will allow the effective and expeditious cessation of discriminatory practices.⁴²
68. For all the foregoing reasons, the Commission suggests that the Tribunal issue the following order:

Immediate Relief Measures

1. Canada will:
 - a. ensure that funding is available, through Jordan's Principle or otherwise, to fill gaps that exist with respect to the delivery of mental health services to First Nations children in Ontario;

⁴² AFN submissions at para. 146.

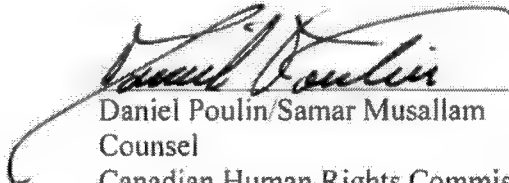
- b. ensure that the availability of such funding, and the procedures by which such funding is made available, have been communicated to all government officials responsible for administering the measures, to Agencies and other stakeholders, and to the general public; and
 - c. within 30 days of the Tribunal's Order, provide a report to the Tribunal, confirming Canada's compliance with clauses 1(a) and 1(b);
2. Within four months of the Tribunal's Order, Canada will consult with the Moving Parties and the Commission, and put in place concrete measures that it believes will address the following items of immediate relief, pending completion of consultations on the final long-term reform of the Program and the 1965 Agreement:
 - a. legal fees incurred by Agencies;
 - b. building repairs needed to ensure compliance with applicable health and safety codes or regulations;
 - c. intake and investigations work;
 - d. band representative services in Ontario;
 - e. short-term remoteness adjustments; and
 - f. the conduct of any studies deemed necessary to identify gaps in services (such as the proposed Ontario Special Study), or inform the long-term development of remoteness quotients;
3. During the period described in clause 2, the Tribunal will retain jurisdiction to resolve any disputes that may arise regarding the process for conducting the consultations ordered.
4. Within six months of the Tribunal's Order, Canada will provide a report to the Tribunal, describing:
 - a. the concrete measures that have been put in place to address the immediate relief items described in clause 2;
 - b. how those measures have been communicated to employees of Canada responsible for administering the measures, to Agencies and other stakeholders, and to the general public; and
 - c. how Canada expects those measures to address the discriminatory practices identified by the Tribunal.
5. For two months after Canada delivers the statement or statements described in clause 4, the Tribunal will retain jurisdiction to resolve any disputes that may arise about whether the concrete measures put in place are adequate interim measures, pending completion of consultation on final long-term reform.

Long-Term Relief Measures

6. Canada will consult with the Moving Parties and the Commission on long-term final reform of the FNCFCS Program and the 1965 Agreement. Consultation with the Complainants and Commission may be conducted through the NAC process.

7. The Tribunal will retain jurisdiction until June 30, 2018 (or such later time as the Tribunal may later order), to resolve any disputes about:
 - a. the process for conducting the consultation described in clause 6; or
 - b. whether the concrete final measures that Canada puts in place after the consultation have redressed all the discriminatory practices identified by the Tribunal.

All of which is respectfully submitted this 7th day of March, 2017.



Daniel Poulin/Samar Musallam
Counsel
Canadian Human Rights Commission
344 Slater Street, 9th Floor
Ottawa, ON K1A 1E1

Tel: (613) 947-6399
Fax: (613) 993-3089

Counsel for the Commission

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Warman v. Beaumont, 2009 CHRT 32, [2009] C.H.R.D. No. 32

Docket: T1340/7008

CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and
ASSEMBLY OF FIRST NATIONS**

Complainants

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

**ATTORNEY GENERAL OF CANADA
(representing the Minister of Indigenous and Northern Affairs Canada)**

Respondent

- and -

**CHIEFS OF ONTARIO,
AMNESTY INTERNATIONAL CANADA and
NISHNAWBE ASKI NATION**

Interested Parties

**MOTIONS REGARDING CANADA'S FAILURE TO COMPLY WITH THE
CANADIAN HUMAN RIGHTS TRIBUNAL'S ORDERS REGARDING
IMMEDIATE RELIEF**

**REPLY OF THE FIRST NATIONS CHILD AND FAMILY
CARING SOCIETY OF CANADA**

MARCH 17, 2017

David P. Taylor
Anne Levesque

Sébastien Grammond, Ad.E. University of Ottawa
Sarah Clarke, Clarke Child & Family Law

JURISTES POWER | POWER LAW
Suite 1103 – 130 Albert Street
Ottawa, ON K1P 5G4

Counsel for the First Nations Child and Family Caring Society of Canada

CBC's CONNIE WALKER: [...] What action has been taken in response to [the Human Rights Tribunal] ruling?

CAROLYN BENNETT: Well, thank you so much for the question and we are really proud of the work that we're doing on the complete overhaul of the system. The system right now has perverse incentives where honestly there's more money to agencies, the more children that are apprehended. We have almost 50 per cent of kids in care in Canada, Indigenous children, when it's four per cent of the population. This has to change and this is the kind of work we're doing on the ground to make those changes.

[...]

CBC's CONNIE WALKER: So I want to talk about what happened in Wapekeka First Nation. Two young girls died by suicide there earlier this month after applying for money to deal with what they felt was a suicide pact in the community that didn't arrive. Why didn't your government find a way to provide that funding for that community?

CAROLYN BENNETT: I think that that money should have gone. And when it got turned down, I wish that they knew that Dr. Philpott and myself, we would have been able to do that. Each of these decisions is made in a region and I think that was a mistake and I know Dr. Philpott's working to right that mistake right now.¹

The role of these motions in the remedial process designed by the Tribunal

1. After it made its decision on the merits of the complaint in January 2016, the Tribunal indicated that the implementation of its order that Canada cease its discriminatory practices would be addressed in three phases: (i) immediate relief; (ii) mid-term and long-term relief aimed at the comprehensive reform of the First Nations Child and Family Services Program ("FNCFS Program"); and (iii) compensation. We are still, almost fifteen months later, at the first of these three phases.
2. In order to achieve the *Canadian Human Rights Act*'s goals in the context of this complaint (to provide First Nations children and their families an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have), the Tribunal has correctly and reasonably adopted a flexible process. Throughout that process, the Tribunal requested additional information from the Respondent and issued certain remedial orders. However, the Tribunal has not yet addressed all the requests for immediate relief made by the Caring Society.
3. The Caring Society is not seeking the "enforcement" of the Tribunal's January 26, 2016 decision and subsequent April 26, 2016 and September 15, 2016 remedial orders. It is simply seeking remedies in a process that has not yet reached its conclusion. In order to facilitate this process, and to take into account information that was submitted to the Tribunal after its decision on the merits, the Caring Society has brought motions restating its requests for immediate relief.
4. As a result, the Caring Society does not bear any "burden of proof." In fact, it would be unjust for the Caring Society, having proved that the Respondent has discriminated against First Nations children and their families in a systemic way, to bear a "burden of proof" again and again at each of the three stages of the remedial process laid out by the Tribunal to show that that discrimination is continuing in the absence of further orders. Such a burden would unduly delay

¹ Cross-Examination of Cassandra Lang, February 7 and 8, 2017 [Lang Cross Examination], Exhibit 16: Transcript of CBC Interview January 26, 2017.

the process and would allow the Respondent to undermine a decision for which it did not seek judicial review.

5. With respect to the weighing of the evidence on this motion, the Tribunal must be mindful that the Respondent, and not the Moving Parties, is in the privileged position of having access to the necessary information.² While the imbalance of access to information exists in many human rights complaints, it is particularly acute in the context of this motion, which is being heard after the hearing on the merits has been completed and for which there are no ongoing obligations of disclosure.³ It would be unjust in such a context, and not in keeping Parliament's direction that "[p]roceedings before the Tribunal shall be conducted as informally and expeditiously as the requirements of natural justice and the rules of procedure allow",⁴ to require the Caring Society to prove continuing discrimination, time and time again, on a balance of probabilities.

6. Because of the flexibility of the process and its ongoing nature, it is appropriate for the Tribunal to make findings of non-compliance with its previous orders. The Caring Society agrees with paragraphs 14-16 of the Canadian Human Rights Commission's ("Commission") March 7, 2016 submissions in this regard. Such findings would be a highly relevant factor in deciding whether the binding orders sought by the Caring Society are appropriate, in contrast to the overly deferential approach urged by the Commission. If the Respondent has not fully complied with previous orders, it defies reason to think that a consultative process will lead to the elimination of discrimination.

Immediate relief remains necessary

7. Immediate relief is necessary. Without it, the ongoing detrimental and discriminatory impacts identified by the Tribunal in its January 26, 2016 decision and subsequent orders will continue to be lived by the children affected by the Respondent's FNCFS Program and lived by the children requiring the full implementation of Jordan's Principle. Any delay results in serious and frequently irrevocable harms to First Nations children and their families. Children only have one childhood.

8. The alternative suggested by the Commission urges the Tribunal to order the Respondent to "consult" with the Complainants and other parties to identify some form of redress and then to report to the Tribunal. Put simply, this approach constitutes an abandonment of immediate relief and would move the Parties directly into the next phase of the Tribunal's remedial process (mid-term and long-term relief aimed at the comprehensive reform of FNCFS Program).

9. This is unacceptable. This approach disregards the best interests of over 165,000 First Nations children and their right to live free of the Respondent's discriminatory conduct, which continues to foreclose their equitable opportunity to grow up safely at home and access government services on the same terms as other children.

² *Ontario Human Rights Commission v Simpson-Sears*, [1985] 2 SCR 536, 1985 CanLII 18 at para. 28.

³ *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, 2016 CHRT 11 at para 11.

⁴ *Canadian Human Rights Act*, RSC 1985, c H-6, s 48.9(1).

10. Moreover, a further delay in immediate relief in favour of “consultation” will allow Canada to continue to economically benefit from its discriminatory conduct against First Nations children. While the aim of human rights remedies should not be to punish respondents in breach of their obligations, human rights tribunals have also stated that remedies should not be so trivial so as to give respondents a license to discriminate.⁵ Ordering Canada to fully address all of the items of immediate relief, forthwith, will ensure that there is no longer a financial incentive for the Respondent to continue its discriminatory conduct towards First Nations children.

“Separation of powers”

11. Both the Commission and the Respondent assert that a deferential approach to remedies is mandated pursuant to the doctrine of separation of powers, the budgetary implications of the remedies sought, or the fact that the remedies sought involve policy changes. These arguments are plainly wrong.

12. The concept of “separation of powers” is often traced to Montesquieu’s *Esprit des Lois* (1748). The purpose of the doctrine was to prevent abuses of power by dividing power among several entities, namely the legislative, executive and judicial branches of the State.

13. The separation of powers doctrine is also often associated with the “checks and balances” inherent in the United States Constitution. In Canada, the “Constitution does not insist on a strict separation of powers”.⁶ To the contrary, the judicial branch has an overarching *duty* to apply the Constitution and the law, precisely in order to protect the rights of citizens against abuses of power. This duty is based in the constitutional principles of the rule of law and constitutionalism, which ensure that “the law is supreme over the acts of both government and private persons.”⁷ As a result, the Supreme Court of Canada has held that the “separation of powers” does not somehow shield the executive or legislative branches of government from the judicial branch’s power to review the legality of their decisions, whether the challenge is based on the Charter⁸ or on ordinary law,⁹ much less a quasi-constitutional law like the *Canadian Human Rights Act*.

14. As Binnie J. aptly said in *Newfoundland (Treasury Board) v NAPE*, “whenever there are boundaries to the legal exercise of state power such boundaries have to be refereed.”¹⁰ Here, the boundaries have been enacted by Parliament in the *Canadian Human Rights Act* and the Tribunal is the referee. It is inconceivable that the separation of powers evoked by the Respondent would prevent the Tribunal from exercising the jurisdiction Parliament has conferred on it.

15. The Respondent’s argument at paragraph 139 of its March 14, 2017 submission misunderstands the Tribunal’s role, and the majority of the Supreme Court of Canada’s conclusion in *Ontario v Criminal Lawyers’ Association of Ontario*. In that case, the majority held that “[t]he ability to order the government to make payments out of public funds must be grounded in law

⁵ *Buckingham-Vanderlei v. Walker*, 2010 HRT0 1338.

⁶ *Reference re Secession of Quebec*, [1998] 2 SCR 217 at 233, para. 15; see also *Re Residential Tenancies Act*, [1981] 1 SCR 714 at 728.

⁷ *Reference re Secession of Quebec*, [1998] 2 SCR 217 at 258, para. 71.

⁸ *Newfoundland (Treasury Board) v NAPE*, [2004] 3 SCR 381 at 423-429, paras. 100-116.

⁹ *Wells v Newfoundland*, [1999] 3 SCR 199 at 220-221, paras 51-54.

¹⁰ *Newfoundland (Treasury Board) v NAPE*, [2004] 3 SCR 381 at 429, para. 116.

and a court's inherent or implied jurisdiction is limited by the separate roles established by our constitutional structure [emphasis added].”¹¹

16. *Criminal Lawyers' Association* must be read bearing in mind the point it actually decided: the scope of a court's *inherent or implied jurisdiction*.

17. The Caring Society does not argue that the Tribunal has an implied jurisdiction to order the Respondent to make expenditures out of public funds. To the contrary, the Caring Society says that section 53(2)(b) of the *Canadian Human Rights Act*, which allows the Tribunal to order the Respondent to “make available to the victim of the discriminatory practice, on the first reasonable occasion, the rights, opportunities or privileges that are being or were denied the victim as a result of the [discriminatory] practice.”¹²

18. Section 53(2)(b) of the *Canadian Human Rights Act* is precisely the type of “authority flowing from [...] a statutory provision” that grounds the Tribunal's ability to “order the government to make payments out of public funds” in a way that “respects the institutional roles and capacities of the legislature, the executive [...], and the judiciary”.¹³

Deference

19. There is no language in the *Canadian Human Rights Act* that supports the Commission's claim that the Tribunal's remedial powers must be exercised more cautiously because the Respondent is the federal government. While some provincial human rights laws do include narrow exceptions that apply only to government respondents in certain limited circumstances, this is not the case for the *Canadian Human Rights Act*'s remedial provisions.¹⁴ Indeed, this Tribunal, and human rights tribunals across Canada, routinely issue remedial orders against government respondents that require the expenditure of public funds.¹⁵

20. In the absence of express language that the Respondent's governmental identity ought to limit the Tribunal's discretion under section 53(2), the Tribunal's remedial powers must be

¹¹ *Ontario v Criminal Lawyers' Association of Ontario*, 2013 SCC 43 at para 15.

¹² *Canadian Human Rights Act*, RSC 1985, c H-6, s 53(2)(b).

¹³ All citations in this paragraph referenced are to *Ontario v Criminal Lawyers' Association of Ontario*, 2013 SCC 43 at para 15.

¹⁴ By way of example, section 47(2) the *Ontario Human Rights Code*, RSO 1990, c H.19, states that “Where a provision in an Act or regulation purports to require or authorize conduct that is a contravention of Part I, this Act applies and prevails unless the Act or regulation specifically provides that it is to apply despite this Act.” Similarly, section 25(2.1) states that “the right under section 5 to equal treatment with respect to employment without discrimination because of age is not infringed by an employee benefit, pension, superannuation or group insurance plan or fund that complies with the *Employment Standards Act, 2000* and the regulations thereunder.”

¹⁵ See for example, *Ball v Ontario (Community and Social Services)*, 2010 HRT 360, where the Ontario Human Rights Tribunal ordered Ontario to provide retroactive and ongoing funding of the special diet allowance for the lead complainants and *Hogan v Ontario (Health and Long-Term Care)*, 2005 HRT 49 where the Ontario Human Rights Tribunal ordered Ontario to fund sex-reassignment surgery. The Canadian Human Rights Tribunal in particular has issued remedial orders that required the spending of public funds far that exceed the value of the remedial orders sought by the Moving Parties. See for example, the Treasury Board pay equity case was settled for \$ 3.2 billion following two Canadian Human Rights Tribunal decisions. For details see “The Public Sector Equitable Compensation Act and the Reform of Pay Equity”, available online at <https://www.canada.ca/en/treasury-board-secretariat/services/innovation/equitable-compensation/public-sector-equitable-compensation-act-reform-pay-equity.html>.

interpreted broadly and in accordance with the *Canadian Human Rights Act's* overarching objective of eradicating discrimination. It is not open for the Tribunal to read in exceptions or limitations in the *Canadian Human Rights Act* that were not expressly included by Parliament.¹⁶

21. Moreover, there is no principled reason why the Government of Canada ought to be subjected to a lower degree of human rights scrutiny than other respondents, such as, for example, a small family owned printing company,¹⁷ a small trucking company,¹⁸ or the government of Ontario.¹⁹ In fact, in the context of the Moving Parties' motions, the Tribunal ought to give little deference to the Respondent when exercising its remedial discretion: Canada has proven itself to be, time after time, either unable or unwilling to cease its discriminatory conduct against First Nations children. Indeed, the Tribunal found as fact that the Respondent was aware of its discriminatory conduct and its harmful impact on First Nations children for decades, but failed to take action.²⁰

22. Consistent with these findings, the evidence in this motion also indicates that the Respondent has failed to take the steps necessary to address all of the items of immediate relief identified. For example, the Respondent has failed to implement measures as simple as ensuring that the staff responsible for implementing the Tribunal's orders have read the Tribunal's decisions.²¹

23. In a context where a respondent has been given the opportunity to address the Tribunal's findings of discrimination, but has failed to do so, further deference is not warranted, particularly in light of the serious and irreparable harm caused to First Nations children by this discriminatory conduct. There is no mechanism to recover a childhood lost to the child welfare system. There is no mechanism to recover the life of a child that has been lost because of a lack of public services that are available to children living off-reserve.

24. The Respondent's clear approach to this motion and to the preceding orders of the Tribunal is to simply say to the Tribunal and to the Moving Parties: "trust us". For more than ten years prior to the filing of this Complaint, after government funded studies, reports from the Auditor General, and accounts from First Nations Child and Family Services Agencies ("FNCFS Agencies") regarding the detrimental impacts of the discriminatory FNCFS Program, the Caring Society trusted that the Government of Canada would do the right thing. That trust has yet to be rewarded.

¹⁶ *Doppelhamer v Workplace Safety and Insurance Board*, 2009 HRTO 2056 at para 9. Regarding this matter in particular, the Federal Court already held that the CHRA ought to be interpreted in a manner to confer and not deny victims of discrimination protection. *Canada (Human Rights Commission) v Canada (Attorney General)*, 2012 FC 445 at para 360, aff'd 2013 FCA 75.

¹⁷ *Brockie v. Brillinger (No. 2)*, [2002] 222 DLR (4th) 174.

¹⁸ *Milano v Triple K Transport*, 2003 CHRT 30.

¹⁹ *Ball v Ontario (Community and Social Services)*, 2010 HRTO 360.

²⁰ *First Nations Child and Family Caring Society of Canada et al v Canada (Attorney General)*, 2016 CHRT 2 at paras 150-215.

²¹ Cross-Examination of Lee Cranton on February 17, 2017 ["Cranton Cross Examination"] at p 78, line 21 to p 79, line 10.

25. The evidence is clear that now is not the right time to relinquish the remedial powers of the Tribunal in favour of a promise that will not be kept.

“Engagement” and consultation

26. The Commission rightly reminds the Tribunal of the dark history of the Respondent’s policy-making that did not involve Indigenous peoples and of the oppressive and tragic consequences of that exclusion.²² The Commission is also right to underline the importance of consultation in legal and policy matters involving Indigenous peoples.²³

27. However, the Caring Society cannot support the Commission’s request that Tribunal order further consultation instead of providing First Nations children with immediate relief. The Moving Parties are united in their belief that delaying immediate relief to allow for “consultations” will continue to perpetuate harm against First Nations children.

28. For its part, the Respondent asserts that it needs to “engage” with a variety of stakeholders, other than the parties to this complaint, before fully addressing the issues identified for immediate relief, before undertaking a reform of the FNCFS program, or before taking other measures aimed at eliminating discrimination.²⁴

29. The Tribunal should not allow itself to be distracted by references to “engagement” and “consultation”, which in the context of this case the Caring Society submits are references to words rather than meaningful interactions.

30. First, in the present state of Canadian constitutional law, the duty to consult is a doctrine that is made available to Indigenous peoples who have not yet made full proof of their rights.²⁵ Where Indigenous peoples have proven their rights, for instance to Aboriginal title, the standard required of the State is consent.²⁶ The doctrine underlying the duty to consult is an alternative, not a substitute, to a rights-based approach.

31. These motions are based on rights that have been fully proved. As a result, the remedies available to the Caring Society should not be limited to something akin to the duty to consult, which was designed to address *potential* rights.

32. Second, the processes of “engagement” put in place by the Respondent or suggested by the Commission fall well short of the Canadian and international standards governing consultation with the indigenous peoples. While the present context is not suited to a full review, the Caring Society wishes to emphasize a number of obvious shortcomings.

- a. The goal of consultation is to obtain Indigenous peoples’ free, prior and informed consent. This is made clear by articles 19 and 32 of the United Nations *Declaration*

²² Canadian Human Rights Commissions Submissions addressing motions filed regarding the FNCFS Program and 1965 Agreement, dated March 7, 2016 at para 33.

²³ Canadian Human Rights Commissions Submissions addressing motions filed regarding the FNCFS Program and 1965 Agreement, dated March 7, 2016 at para 32.

²⁴ Submissions of the Attorney General, dated March 14, 2017, paras 55-59.

²⁵ *Haida Nation v British Columbia (Minister of Forests)*, [2004] 3 SCR 511 at 529, paras. 34-35.

²⁶ *Tsilhqot’in Nation v British Columbia*, 2014 SCC 44 at paras 2, 76, 88, and 90.

on the Rights of the Indigenous Peoples. The Supreme Court of Canada, while refraining from requiring actual consent in each case, nevertheless mandated that consultations must be undertaken with an intention of substantially addressing Aboriginal concerns.²⁷ In this case, the Respondent has never indicated that it will seek the consent of Indigenous peoples, nor do the consultations envisaged by the Commission refer to the goal of consent.

- b. Consultation should involve representatives chosen by Indigenous peoples themselves. According to the Inter-American Court of Human Rights, "consultation in good faith is incompatible with practices such as attempts to undermine the social cohesion of the affected communities, either by bribing community leaders or by establishing parallel leaders, or by negotiating with individual members of the community."²⁸ Canadian law makes it clear that consent of one Indigenous group does not dispense with the duty to consult another Indigenous group that is affected by a project.²⁹ Here, the complaint has been brought by the Assembly of First Nations, which is the recognized political association representing First Nations across the country, and the Caring Society, which represents FNCFS Agencies tasked with the delivery of child and family services across the country. Yet, the Respondent insists on "engaging" a variety of other persons or institutions, in order to avoid negotiating with the parties to this complaint.
- c. Consultation requires the disclosure of relevant information before a decision is made.³⁰ In this case, most of the initiatives that the Respondent relies on were announced unilaterally, without any information being given to the Complainants.

Reallocation

33. In reply to the Commission's submissions regarding reallocation,³¹ the Tribunal has not yet concluded that an order relating to reallocation should not be granted.³² While the Tribunal did indeed conclude that "reallocation" 'may' be outside the four corners of the complaint, it does not logically follow that the Tribunal cannot issue an order prohibiting the reallocation of funds. Indeed, the Panel noted the findings it had made regarding the adverse impacts of the Respondent's

²⁷ *Haida Nation v British Columbia (Minister of Forests)*, [2004] 3 SCR 511 at 532, para. 42.

²⁸ *Case of the Kichwa Indigenous People of Sarayaku v Ecuador*, IACHR Series C, No. 245, para. 186, online: http://corteidh.or.cr/docs/casos/articulos/seriec_245_ing.pdf.

²⁹ See, e.g., *West Moberly First Nations v British Columbia (Chief Inspector of Mines)*, 2011 BCCA 247.

³⁰ *Haida Nation v British Columbia (Minister of Forests)*, [2004] 3 SCR 511 at 532-533, para. 43.

³¹ Canadian Human Rights Commissions Submissions addressing motions filed regarding the FNCFS Program and 1965 Agreement, dated March 7, 2016 at paras 49-51.

³² Canadian Human Rights Commissions Submissions addressing motions filed regarding the FNCFS Program and 1965 Agreement, dated March 7, 2016 at paras 50-51.

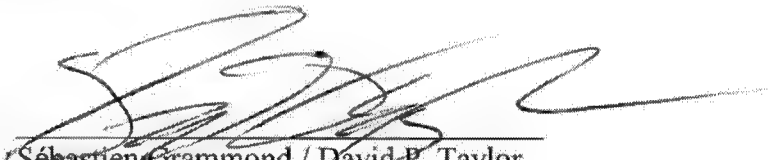
reallocation practices in its January 26, 2016 decision,³³ and urged Canada to eliminate its reallocation practices in its September 15, 2016 remedial order.³⁴

34. Despite the concerns already expressed by the Tribunal regarding the Respondent's reallocation practices issue, Canada has clearly continued to reallocate funds from other INAC programs in order to fund its FNCFS Program. In total, it has reallocated over \$25 million from other INAC programs since Budget 2016.³⁵

35. In the event that this Tribunal is of the view it cannot make an order prohibiting Canada to reallocate funds from other INAC programs towards child welfare, the Caring Society respectfully requests that the Tribunal make an order requiring Canada to pay the actual costs of certain expenses of FNCFS Agencies and specify that the funds used to pay the cost of these expenses may not be drawn from other INAC programs. Such an order is in keeping with this Tribunal's discretion to carefully craft effective remedies in order to eliminate discrimination,³⁶ including discrimination that may be caused as a collateral effect of the Respondent's implementation of the Tribunal's remedies.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

Dated: March 17, 2017



Sébastien Grammond / David P. Taylor
Sarah Clarke / Anne Levesque

Counsel for the Caring Society

³³ *First Nations Child and Family Caring Society of Canada et al v Canada (Attorney General)*, 2016 CHRT 2 at para 390.

³⁴ *First Nations Child and Family Caring Society of Canada et al v Canada (Attorney General)*, 2016 CHRT 16 at para 61.

³⁵ See Lang Cross Examination at p 167, lines 3-6; RFI-CL-20; Lang Affidavit at para 4; Lang Cross Examination at p 166, lines 2-18; Lang Affidavit at para 5; Lang Cross Examination at p 170, lines 1-6; RFI-CL-20; Lang Affidavit at para 9; RFI-CL-20; Lang Affidavit at para 9; and Lang Cross Examination, at p 170, lines 5-22. See paragraphs 40-43 of the Caring Society's February 28, 2017 submissions for more details.

³⁶ *Robichaud v Canada (Treasury Board)*, [1987] 2 SCR 84.

CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and
ASSEMBLY OF FIRST NATIONS**

Complainants

-and-

CANADIAN HUMAN RIGHTS COMMISSION

Commission

-and-

**ATTORNEY GENERAL OF CANADA
(representing the Minister of Indigenous and Northern Affairs Canada)**

Respondent

-and-

**CHIEFS OF ONTARIO and
NISHNAWBE ASKI NATION**

Interested Parties

**IMMEDIATE RELIEF REPLY FACTUM
OF THE INTERESTED PARTY NISHNAWBE ASKI NATION ("NAN")**

FALCONERS LLP
Barristers-at-Law
10 Alcorn Avenue, Suite 204
Toronto, Ontario M4V 3A9

Tel.: (416) 964-0495
Fax: (416) 929-8179

Julian N. Falconer L.S.U.C. # 29465R
Anthony Morgan L.S.U.C. # 64163F
Akosua Matthews L.S.U.C. # 65621V

**Lawyers for the Interested Party,
Nishnawbe Aski Nation ("NAN")**

TO: CANADIAN HUMAN RIGHTS TRIBUNAL
Attn: Dragisa Adzic, Registry Officer
160 Elgin Street, 11th Floor
Ottawa, ON K1A 1J4

AND TO: Jonathan Tarlton, Melissa Chan
Atlantic Regional Office
JUSTICE CANADA
Duke Tower, 5251 Duke Street, Suite 1400
Halifax, NS B3J 1P3
Phone: (902) 426-5959
Fax: (902) 426-8796

Counsel for the Respondent, the Attorney General of Canada
("Canada/Respondent")

AND TO: Anne Levesque, David P. Taylor, Sébastien Grammond & Sarah Clarke
JURISTES POWER | POWER LAW
130 Albert Street, Suite 1103
Ottawa, ON K1P 5G4
Phone: (613) 702-5568
Fax: 1 (888) 404-2227

Counsel for the Complainant,
First Nations Child and Family Caring Society of Canada ("the Caring Society")

AND TO: David C. Nahwegahbow
NAHWEGAHBOW, CORBIERE
Genoodmagejig/Barristers & Solicitors
5884 Rama Road, Suite 109
Rama, ON L3V 6H6

Stuart Wuttke
ASSEMBLY OF FIRST NATIONS
55 Metcalfe Street, Suite 1600
Ottawa, ON K1P 6L5
Phone: (613) 241-6789
Fax: (613) 241-5808

Co-Counsel for the Complainant, Assembly of First Nations ("the AFN")

AND TO: Daniel Poulin & Samar Musallam
Litigation Services Division
Canadian Human Rights Commission

344 Slater Street, 9th Floor
Ottawa, ON K1A 1E1
Phone: (613) 947-6399
Fax: (613) 943-3089

Counsel for the Canadian Human Rights Commission ("the Commission")

AND TO: Maggie Wente
Olthuis, Kleer, Townshend LLP
250 University Avenue, 8th floor
Toronto, ON M5H 3E5
Tel: (416) 981-9330
Fax: (416) 981-9350

Counsel for the Interested Party, the Chiefs of Ontario ("COO")

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PART I: OVERVIEW

1. The Parties to this proceeding have spilled a great deal of ink and exchanged voluminous written materials. In the midst of this paper fog, one can easily miss the forest for the trees by mistaking words on paper for tangible results for Indigenous children and families.
2. The Parties are now in receipt of the March 14, 2017 responding factum from Indigenous and Northern Affairs Canada (“INAC”). This contribution to the paper fog might lead observers of these proceedings to believe that words equate to real change. However, words mean little to the 163,000 children that have suffered discrimination through inadequate funding for child and family services on First Nations.
3. The communities of Nishnawbe Aski Nation (“NAN”) are concerned about practical outcomes. In that regard, INAC’s response raises two issues of particular concern for NAN:
 1. Mental health services in Ontario; and,
 2. Agency-specific relief sought by agencies operating within NAN territory.
4. Regarding mental health in Ontario, INAC’s responding factum acknowledges for the first time that Jordan’s Principle funding is a vehicle to address gaps in mental health services. However, this was never articulated prior to the cross-examination of Robin Buckland in February 2017, and only ten children have ever been approved for mental health coverage under Jordan’s Principle.¹ NAN appreciates Canada’s aspirational words, but remains concerned that there is no concrete plan of action to prevent something like the Wapekeka First Nation tragedy from recurring.

¹ Respondent’s March 14, 2017 Factum, at para 47.

5. Regarding agency-specific relief, the Respondent INAC claims that one challenge in providing immediate relief funding is that there are information gaps regarding the specific needs of agencies. NAN has filed evidence, in the form of affidavits from the Executive Directors of the three child welfare agencies which operate within NAN territory² seeking debt relief and funding for capital needs assessment studies. Further, NAN's remoteness experts have proposed a direct survey of First Nations and First Nation agencies.

PART II: ISSUES ON REPLY

A. Words Do Not Fill Gaps in Mental Health Funding

i) INAC Acknowledges that Jordan's Principle Applies to Mental Health Funding

6. INAC acknowledges that there is a gap with respect to mental health services for First Nations children and that Jordan's Principle funding is available to address this gap.³ To date, INAC reports that precisely ten children have been approved for mental health coverage under Jordan's Principle.⁴
7. INAC's submission arises out of the evidence of Ms. Robin Buckland, during cross-examination by NAN. There is no evidence before the Tribunal that INAC considered Jordan's Principle as a mechanism to address mental health gaps prior to the cross examination of Ms. Buckland. Ms. Buckland was unequivocal in her statement that Wapekeka First Nation's July 2016 proposal for a mental health service team based within the community ("the Wapekeka Proposal") should have qualified for Jordan's Principle

² Payukotayno James and Hudson Bay Family Services ("Payukotayno"); Tikinagan Child and Family Services ("Tikinagan"); and, Kunowanimano Child and Family Services ("Kunowanimano").

³ Respondent's March 14, 2017 Factum, at para 47 & 52.

⁴ Respondent's March 14, 2017 Factum, at para 47.

funding. The Wapekeka Proposal resulted from a clear need in an area where there was a clear gap in mental health services.

Q. And it qualifies, right? Like, there's nothing about this that you wouldn't say --

A. And what does that mean?

Q. That means, well, people talk Jordan's Principle every second sentence. It qualifies as an evinced need and a gap, right?

A. There's, there was clearly a need and there was clearly a gap.

Q. And so it qualifies?

A. **Would it qualify as a Jordan's Principle case? Yes.**⁵ [Emphasis Added]

8. The evidence before the Tribunal is that Jordan's Principle has been an insufficient mechanism to address gaps in mental health coverage for First Nations in Ontario. Only a total of ten children have received mental health funding under Jordan's Principle and two 12-year-old girls in Wapekeka First Nation died, six months after the July 2016 Wapekeka Proposal, while the community was still waiting for funding.
9. This is just one example. The month after these tragedies, INAC's national lead on Jordan's Principle was still unaware of why the Wapekeka Proposal was not funded, despite admitting that it should have been.

Q. Ms. Buckland, what's missing from your answer, with respect, is you telling us what happened. It is close to inescapable that I have asked the same question repeatedly which is factually why did your people not address the clear need? That's the question that I've asked in many different ways and you're not giving me that answer. Why was it left unaddressed? That's the question I'm looking for an answer for.

⁵ Buckland Cross-Examination, February 6, 2017, Pg. 157-8, Para. 446-449. See also: Pg. 175, Para. 505, Line 1-4 AND Page 180, Paras. 526-528 AND Pg. 189-190, Paras. 567-571. AND Pg. 216, Para 645.

A. So when did I receive Dr. Kirlew's affidavit?

Q. No, you advised us that you heard of this right away after it happened, that you saw Mr. Conn's statement in the media, and that you made inquiries about what happened.

A. Sure.

Q. And so I'm asking the question, what was the fruit of your inquiries? Why did they leave this unaddressed?

A. And, and I don't know.

Q. All right, thank you.

A. I don't know.

Q. Thank you. But that's the first time you've told me. It's been five to ten minutes and I've been asking the same question. So as matters currently stand, on February 6th, 2017, in your capacity as in charge of primary care as high-ranking executive for Health Canada, you do not know why the Wapekeka proposal went unaddressed for months on end in relation to children who were a high risk for suicide. Am I right, you don't know?

A. I can speculate.

Q. No, I didn't ask for speculation. I simply wanted to know if you knew?

A. So I do not know with 100 per cent certainty.⁶

10. INAC still refuses to answer the question of why the Wapekeka Proposal went unaddressed for so many months. In the absence of concrete information and a credible administrative process, the bare assertion that Jordan's Principle funding will be available in the future offers little comfort to any other community or group with a similar proposal.

Counsel for NAN: "May I have an undertaking as to why the Wapekeka Proposal was left to languish in the face of children at high risk of suicide?"⁷

⁶ Buckland Cross-Examination, February 6, 2017, Pg. 163-4, Para 476-481.

⁷ Examination No. 17-0109.1A of Ms. Robin Buckland, Page 169, lines 7-9 of transcript; See generally, Page 166 to Page 170 to line 7 for the full context of this request.

Counsel for INAC: “I will not, we will not be giving you an undertaking.”⁸

and, “[...] there is no legal obligation to give you the undertaking you're requesting...”⁹

11. The story of Wapekeka First Nation is not just evidence underscoring the need for mental health services. It demonstrates that INAC does not have an immediate relief plan to address the “adverse effects identified with respect to the *1965 Agreement*, especially in terms of mental health services...”¹⁰
12. This requires the Tribunal to issue a clear order to ensure that mental health services are funded in Ontario so that more preventable tragedies do not occur. In NAN’s initial factum, NAN requested that the Tribunal issue a “Choose Life Order” that would direct that Jordan’s Principle funding be issued to any Indigenous community that files a proposal (akin to the Wapekeka proposal) identifying children and youth at risk of suicide.¹¹ We outline a mechanism for a ‘Choose Life Order’ below.

ii) “Choose Life Order”: A Tangible Mechanism to Fill Gaps in Mental Health Services

13. Per INAC’s factum, Canada’s revised interpretation of Jordan’s Principle aims to ensure that where a need for a publicly funded health, education, or social care service or support for a First Nations child is identified, it will be met. INAC has also developed new processes to ensure the services needed for any Jordan’s Principle case are not delayed due to case conferencing or policy review.

⁸ Page 169, lines 10-11

⁹ Page 169, line 25 to Page 170, line 1

¹⁰ 2016 CHRT 16 (Tribunal’s September 2016 decision), at page 46, para. F.

¹¹ NAN February 28, 2017 Factum, at paras. 7, 11, 36, 44, and 90(c)

14. These processes, according to Ms. Buckland, are to move with alacrity:

All cases of First Nations children with unmet needs are immediately addressed: urgent cases within 12 hours; other cases within 5 business days; complex cases which require follow-up or consultation with others within 7 business days.^[1]

15. INAC presents these facts in the face of what actually happened in Wapekeka: a Jordan's Principle case languished for months, still without explanation, and INAC continues to rely on a lack of any legal obligation to communicate an explanation with the affected community.
16. In the absence of any plan for preventing another Wapekeka, NAN seeks a Choose Life order from this Tribunal: that Canada develop a concrete administrative process, in accordance with their own timelines to ensure timely processing and substantive responses to Wapekeka-like proposals.
17. The Commission seeks similar orders in its factum, as follows

On the critical question of mental health services for First Nations children in Ontario, the Tribunal should make a binding order that requires Canada to have measures in place, effective immediately, to ensure that (i) funding is available to fill existing gaps (whether through Jordan's Principle or otherwise), and (ii) the related procedures have been communicated to all necessary employees of Canada, to Agencies and other stakeholders, and to the general public^[2]

In all the circumstances, for the sake of clarity, the Commission asks for an immediate Order requiring that Canada (i) ensure that funding is available, through Jordan's Principle or otherwise, to fill gaps that exist with respect to the delivery of mental health services to First Nations children in Ontario, (ii) ensure that the availability of such funding, and

^[1] Commission's March 7, 2017 Factum (with respect to the FNCFCFS Program and the 1965 Agreement), at para. 4.

^[2] Commission's March 7, 2017 Factum (with respect to the FNCFCFS Program and the 1965 Agreement), at para. 4.

the procedures by which such funding is made available, have been communicated to all employees of Canada responsible for administering the procedures, to First Nations, Agencies and other stakeholders, and to the public; and (iii) within 30 days of the Tribunal's Order, provide a report to the Tribunal, confirming Canada's compliance.^[3]

18. In the alternative, NAN seeks from this Tribunal, a Choose Life order as an individual First Nation driven remedy, available in the following circumstances:

1. The Party seeking funding qualifies under Jordan's principle by evidencing a need for services, and a gap in services; and,
 2. The party establishes a prima facie meritorious proposal, that is, the proposal is at least of sufficient merit that it is contrary to the best interests of First Nations children for the proposal to languish without timely processing and substantive response.
19. The Tribunal may extend the period for which it will remain seized of issues concerning implementation. NAN submits that the Tribunal should remain seized until concrete processes are in place, and have been proven effective.

B. Words Do Not Address Agency Specific Needs

20. NAN is seeking agency-specific immediate relief for the three child welfare agencies which operate within NAN territory: Payukotayno James and Hudson Bay Family Services ("Payukotayno"); Tikinagan Child and Family Services ("Tikinagan"); and, Kunowanimano Child and Family Services ("Kunowanimano"). Specifically, NAN seeks the following

^[3] Commission's March 7, 2017 Factum (with respect to the FNCFCS Program and the 1965 Agreement), at para. 39.

orders for immediate relief for all three child welfare agencies: (1) that INAC fund the current debts and deficits of these agencies; and, (2) that INAC fund a capital needs assessment study for each agency.

21. In its responding factum, INAC claims that the issue that prevents funding agency-specific needs is the lack of information regarding those needs.

[t]he challenge in providing funding for immediate relief based on actual need is that there are information gaps regarding the specific needs of agencies.¹²

22. However, NAN has filled some of these information gaps by: (1) filing evidence on the debts experienced by the three agencies operating within NAN territory; (2) indicating that these three agencies want a capital needs assessment study funded and conducted. Indeed, the request for a capital needs assessment study is aimed at further filling information gaps in order to inform potential medium and long-term relief. NAN's remoteness experts have also proposed a direct survey of First Nation communities and service providers.

C. The Tribunal Can and Should Act on NAN's Practical Concerns

23. On the subject of the Tribunal's remedial powers, INAC asserts that the Tribunal does not have the statutory authority to enforce its own orders¹³ or determine the manner in which remedies should be implemented¹⁴. INAC further asserts that it is not fair to Canada that evolving facts on the ground affect the determination of issues in these proceedings.¹⁵

¹² Respondent's March 14, 2017 Factum, at para 32.

¹³ Respondent's March 14, 2017 Factum, at para 21.

¹⁴ Respondent's March 14, 2017 Factum, at para 66.

¹⁵ Respondent's March 14, 2017 Factum, at para 64.

24. It is not enough to presume that the Tribunal's "rulings will be executed with reasonable diligence and good faith."¹⁶ INAC's position is of particular concern to NAN in light of the evidence that INAC often relies on its *intentions to act* or statements that INAC is *making efforts* rather than demonstrated action. As but one example, when cross-examined on the ongoing issue of lack of mental health services in Ontario, INAC's witness, Ms. Cassandra Lang stated:

I think we're making an effort to discuss a range of, a range of issues that are coming up. It's going to take time, given different issues that have been raised to be able to move forward on, on the various pieces.¹⁷

25. INAC acknowledges that the Tribunal may convene a hearing to determine whether a party has "implemented its rulings and directions in a manner that addresses the discriminatory practice identified in that earlier ruling and, if necessary, clarify and supplement by further direction."¹⁸
26. NAN agrees with the Commission's submission in its March 7, 2017 factum that "to deny the Tribunal's power to reserve jurisdiction and oversee implementation would be overly formalistic, and would defeat the remedial purpose of the [*Canadian Human Rights Act*]."¹⁹
27. Further, the Tribunal has previously and clearly communicated its expectations of INAC:

"It rests on INAC and the federal government to implement the Panel's findings and orders, and to clearly communicate how it is doing so, including providing a rationale for their actions and any supporting data

¹⁶ Respondent's March 14, 2017 Factum, at para 69.

¹⁷ Lang Cross Examination at p 60, lines 10-13.

¹⁸ Respondent's March 14, 2017 Factum, at para 20.

¹⁹ Commission's March 7, 2017 Factum (with respect to the FNCFCS Program and the 1965 Agreement)

and/or documentation, ensures the Panel and the parties that this is indeed the case”²⁰

28. INAC can choose to work in partnership with First Nations and resolve relevant issues in the ongoing proceedings. Alternatively, it can invite the parties to commence new proceedings in Federal Court to enforce this Tribunal’s orders and/or bring additional human rights proceedings every time new facts become available. NAN submits that it is proper and effective for the Tribunal to maintain a flexible process that is responsive to the actual needs of Indigenous children and families.

PART III: ORDERS REQUESTED

29. NAN reiterates and relies on its requested orders as outlined in its main February 28, 2017 factum.

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 17th DAY OF MARCH, 2017



FALCONER LLP
Barristers-at-Law
10 Alcorn Avenue, Suite 204
Toronto, Ontario M4V 3A9

Julian N. Falconer	L.S.U.C. # 29465R
Anthony Morgan	L.S.U.C. # 64163F
Akosua Matthews	L.S.U.C. # 65621V

Tel: (416) 964-0495
Fax: (416) 929-8179

Lawyers for Interested Party, Nishnawbe Aski
Nation (“NAN”)

²⁰ 2016 CHRT 10, para 9

CANADIAN HUMAN RIGHTS TRIBUNAL

B E T W E E N:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA
and ASSEMBLY OF FIRST NATIONS**

Complainants (Moving Party)

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

**ATTORNEY GENERAL OF CANADA
(representing the Minister of Indigenous and Northern Affairs Canada)**

Respondent (Responding Party)

- and -

**CHIEFS OF ONTARIO, AMNESTY INTERNATIONAL CANADA
and NISHNAWBE ASKI NATION**

Interested Parties

**REPLY to RESPONDENT'S FACTUM
ASSEMBLY OF FIRST NATIONS
TO ENFORCE RESPONDENT'S FULL COMPLIANCE WITH THE DECISION OF THE CANADIAN
HUMAN RIGHTS TRIBUNAL, 2016 CHRT 2, AND THE PANEL'S REMEDIAL ORDERS**

David C. Nahwegahbow, IPC, LSM (22473L)
NAHWEGAHBOW, CORBIERE
Genoodmagejig/Barristers & Solicitors
5884 Rama Road, Suite 109
Rama, ON L3V 6H6
T: (705) 325-0520
F: (705) 325-7204
dndaystar@nncfirm.ca

ORIGINAL TO: **Canadian Human Rights Tribunal**
c/o Dragiša Adzic, Registry Officer
160 Elgin Street, 11th Floor
Ottawa, ON K1A 1J4

COPIES TO: **Attorney General of Canada**
(representing the Minister of Indigenous and Northern Affairs Canada)

Per: Jonathan Tarlton
Melissa Chan
Patricia MacPhee
Atlantic Regional Office
Department of Justice Canada
Suite 1400, Duke Tower
5251 Duke Street
Halifax, NS B3J 1P3
T: (902) 426-3260
F: (902) 426-7913

Jonathan.Tarlton@justice.gc.ca
Melissa.Chan@justice.gc.ca
patricia.macphee@justice.gc.ca

Per: Terry McCormick
Ainslie Harvey
British Columbia Regional Office
Department of Justice Canada
900-840 Howe Street
Vancouver, BC V6Z 2S9
T: (604) 666-2061
F: (604) 666-2760

Terry.McCormick@justice.gc.ca
Ainslie.Harvey@justice.gc.ca

Counsel for the Respondent (Responding Party), Attorney General of Canada

AND TO: First Nations Child & Family Caring Society of Canada

Per: David P. Taylor
Sarah Clarke
Anne Levesque
Sébastien Grammond
Juristes Power - Power Law
Suite 1103, 130 Albert Street
Ottawa, ON K1P 5G4
T: (613) 702-5560
F: 1 (888) 404-2227

dtaylor@juristespower.ca
sarah@childandfamilylaw.ca
Anne@equalitylaw.ca
sgrammon@uottawa.ca

Counsel for the Complainant, First Nations Child & Family Caring Society of Canada

AND TO: Canadian Human Rights Commission

Per: Daniel Poulin
Samar Musallam
344 Slater Street, 8th Floor
Ottawa, ON K1A 1E1
T: (613) 943-9532
F: (613) 993-3089

Daniel.Poulin@chrc-ccdp.gc.ca
Samar.Musallam@chrc-ccdp.gc.ca

Counsel for the Commission

AND TO: Chiefs of Ontario

Per: Maggie Wenthe
Olthuis, Kleer, Townshend LLP
250 University Avenue, 8th Floor
Toronto, ON M5H 3E5
T: (416) 981-9330
F: (416) 981-9350

MWenthe@oktlaw.com

Counsel for the Interested Party, Chiefs of Ontario

AND TO: **Amnesty International Canada**

Per: Justin Safayeni
Stockwoods LLP Barristers
TD North Tower
77 King Street West, Suite 4130
PO Box 140
Toronto Dominion Centre
Toronto, ON M5K 1H1
T: (416) 593-3494
F: (416) 593-9345

justins@stockwoods.ca

Counsel for the Interested Party, Amnesty International Canada

AND TO: **Nishnawbe Aski Nation**

Per: Julian Falconer
Anthony Morgan
Akosua Matthews
Falconers LLP
10 Alcorn Avenue, Suite 204
Toronto, ON M4V 3A9
T: (416) 964-0495
F: (416) 929-8179

julianf@falconers.ca
AnthonyM@falconers.ca
akosuam@falconers.ca

Counsel for the Interested Party, Nishnawbe Aski Nation

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Reply

1. The Respondent has improperly coloured the Assembly of First Nations (“AFN”) and the other Moving Parties’ arguments as being a disagreement with the Respondent’s “policy choices”, which it argues cannot sustain a finding of ongoing discrimination.
2. The AFN submits that the Respondent’s re-framing of the issues mischaracterizes the nature and scope of the motions before the Tribunal in an attempt to escape the Tribunal’s broad remedial jurisdiction.
3. The AFN further submits the Respondent’s mischaracterization is an attempt by the Respondent to escape its burden of proving compliance with the Panel’s remedial orders, which is a burden properly upon with the Respondent according to the Panel’s decisions and findings.¹
4. By describing its actions as “policy choices”, the Respondent is attempting to evade having to eliminate the discrimination as it was ordered to do according to the Panel’s findings.
5. It is the Respondent’s actions, or lack thereof, that are in issue, not the Respondent’s

¹ 2016 CHRT 2, 2016 CHRT 10, and 2016 CHRT 16.

policy choices. However, in either case, the AFN submits both must be compliant with the Panel's remedial orders in consideration of the rule of law. The AFN submits the attempt to mischaracterize the issues is reminiscent of the Respondents old mindset and practices, that the Panel had previously criticized the Respondent for,² and is a further indication that the Respondent is not faithfully changing its discriminatory ways by reforming the FNCFS Program and related agreements according to the Panel's findings.

Prevention requires that Funding be provided for Actual Needs

6. The Respondent has submitted that it has provided "needed support" to agencies³ and that "information gaps regarding the specific needs of agencies" prevents the Respondent from funding immediate relief based on actual need.⁴ The Respondent argues that it is addressing these information gaps by providing funding to agencies to provide information on their specific needs.
7. In reply, the AFN submits that what is required from the Respondent is support based on actual need, not "needed support".
8. The Respondent's submissions downplay and treat immediate relief in this matter as if it could be overstepped while choosing to focus on engaging in medium and longer-term reform. Consequently, the AFN submits the immediate relief touted in the Respondent's submissions are incidental to the focus on medium, long-term reform, and that immediate relief has never truly been the focus of the Respondent's efforts.

Consultation requires Good Faith, and Deference ought to be Carefully Controlled

9. The Respondent's submissions show that "it does what it wants to" and is making

² 2016 CHRT 16, para 29.

³ Respondent's Factum, para. 28.

⁴ Respondent's Factum, para. 32.

decisions with little regard to the Panel's findings as it should be doing. The AFN submits the information the Respondent is seeking is available in previous reports such as the Wen:de series of reports. Considering this, it would appear the Respondent's efforts to address "information gaps" are not in good faith considering they were not ordered by the Panel and are of questionable value in its advancing toward full compliance of immediate relief.

10. The AFN submits that immediate relief will fail and the Panel's remedial orders left unaddressed and unanswered if the Respondent's efforts to fill the "information gaps" continues in the manner they have chosen, which we must add does not include the complainants in this matter as it should. The AFN submits that immediate relief will suffer a death by the Respondent's bad faith efforts if it is permitted to continue.
11. Further, the AFN submits that the Respondent in its submissions downplays and avoids the systemic discrimination aspects of this case, and fails to appreciate the historical patterns of discrimination that continue to be perpetuated so long as the FNCFS Program and related agreements continues in its discriminatory ways. The systemic and historical aspects of this case were important considerations of the Panel in its decisions regarding section 53(2)(a) of the CHRA.⁵ The AFN submits these considerations raise the importance of immediate relief in this matter.
12. The AFN submits that deference toward the Respondent's effort should only be afforded when the Respondent can show that it can be trusted to implement reform. It is the AFN's position that this is not the case in this matter, and that deference must be carefully controlled given the Respondent's poor history of failing to provide reform when and where it was needed. There is evidence in the recent past, not long before the complaint was filed, that shows the Respondent has failed to implement reform,

⁵ 2016 CHRT 10, para 18.

and the Respondent's actions since January 2016 is further evidence.

Tribunal is the Master of its own Process

13. The Tribunal is the "master of its own process". The parties have submitted, and the AFN agrees, that although the Tribunal may not be in the position to enforce its orders, it can certainly make a declaration of non-compliance of its remedial orders in this matter. The Tribunal has this discretionary power under its enabling statute.⁶
14. The AFN submits that a finding of non-compliance is not akin to ordering the Respondent to spend or fund in a particular way, or how to make its so-called policy choices. The Tribunal has an obligation to ensure its orders are followed as they were intended. Additionally, the Tribunal ought to correct a party where it may have misinterpreted a clear order. The AFN's position is that the Tribunal has considerable latitude in this regard under its enabling statute.

Conclusion

15. As previously submitted, the rule of law is directly dependent on the ability of the Tribunal to enforce its process and maintain respect for its remedial orders. It is within the power of the Tribunal and this Panel to uphold its process by ensuring its remedial orders are carried out by the Respondent.
16. Also, as previously submitted, the Tribunal has an obligation to protect the efficacy and integrity of the CHRA. The entire purpose of the Act is to provide a meaningful remedy for those who have suffered discrimination, and in this case who continue to suffer discrimination in spite of order that the discrimination be eliminated. To eliminate d, the

⁶ *Warman v. Western Canada for US*, 2006 CHRT 23, para 7; *O'Connor v. Canadian National Railway*, 2006 CHRT 5, para 19; *Filgueira v. Garfield Container Transport Inc.*, 2005 CHRT 27, para 15; *Basudde v. Health Canada*, 2005 CHRT 21, para 4; *Anderson v. Canada (Royal Canadian Mounted Police)* 2003 CHRT 42, para 8; *Day v. Canada (Department of National Defence)*, 2002 CanLII 45923 (CHRT), para 17; and, *Day v. Canada (Department of National Defence)*, 2002 CanLII 45921 (CHRT), para 3.

remedy ordered must be effective and consistent with the nature of the rights protected. This is not possible if the Panel's orders are not carried through by the Respondent according to the Panel's findings.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

Dated: March 17, 2017

NAHWEGAHBOW, CORBIERE
Genoodmagejig/Barristers & Solicitors
David C. Nahwegahbow, IPC, LSM
5884 Rama Road, Suite 109
Rama, ON L3V 6H6
T: (705) 325-0520
F: (705) 325-7204
dndaystar@nncfirm.ca
Co-Counsel for the Complainants, Assembly
of First Nations



ASSEMBLY OF FIRST NATIONS
Stuart Wuttke
55 Metcalfe Street, Suite 1600
Ottawa, ON K1P 6L5
T: (613) 241-6789
F: (613) 241-5808
swuttke@afn.ca
Co-Counsel for the Complainants, Assembly of
First Nations

Table of Authorities

Primary Sources

Warman v. Western Canada for US, 2006 CHRT 23

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Anderson v. Canada (Royal Canadian Mounted Police) 2003 CHRT 42

Day v. Canada (Department of National Defence), 2002 CanLII 45923 (CHRT)

Day v. Canada (Department of National Defence), 2002 CanLII 45921 (CHRT)

CANADIAN HUMAN RIGHTS TRIBUNAL

Reply to Respondent's Factum

NAHWEGAHBOW, CORBIERE
Genoodmagejig/Barristers & Solicitors
David C. Nahwegahbow, IPC, LSM (22473L)
5884 Rama Road, Suite 109
Rama, ON L3V 6H6
T: (705) 325-0520
F: (705) 325-7204
dndaystar@nncfirm.ca

Counsel for the Complainant (Moving Party)

Released under the Access
to Information Act
Communiqué en vertu de la
Loi sur l'accès à
l'information

CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and
ASSEMBLY OF FIRST NATIONS**

Complainants

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

ATTORNEY GENERAL OF CANADA

(representing the Minister of Indigenous and Northern Affairs Canada)

Respondent

- and -

CHIEFS OF ONTARIO and

AMNESTY INTERNATIONAL CANADA AND NISHNAWBE ASKI NATION

Interested Parties

**MOTION (DATED NOVEMBER 22, 2016) REGARDING
IMMEDIATE RELIEF**

**REPLY SUBMISSIONS OF THE CHIEFS OF ONTARIO
(March 17, 2017)**

Maggie Wente and Krista Nerland

Olthuis Kleer Townshend LLP

250 University Avenue, 8th Floor

Toronto, ON

M5H 3E5

416-981-9330

416-981-9350

mwent@oktlaw.com

knerland@oktlaw.com

Counsel for the Interested Party Chiefs of Ontario

The Tribunal did not order Canada merely to report about immediate relief

1. Canada's submissions at paragraph 37 suggest that the order for immediate relief from the Tribunal in relation to the *1965 Agreement* was merely to report on various matters. This is a mischaracterization of the Tribunal's remedial directions and orders.
2. In its decision found at 2016 CHRT 2, the Tribunal ordered Canada to "to cease its discriminatory practices and reform the FNCFS Program and 1965 Agreement to reflect the findings in this decision. AANDC is also ordered to cease applying its narrow definition of Jordan's Principle and to take measures to immediately implement the full meaning and scope of Jordan's principle." [emphasis in original]¹
3. The Tribunal found at 2016 CHRT 16,

[68] Again, for the reasons that follow, the Panel is of the view **that further orders, including additional information and reporting by INAC**, are required to ensure the findings in the *Decision* with respect to the *1965 Agreement* have been or will be addressed in the short term [emphasis added]

[...]

[73] The Panel is pleased to learn about the significant new investments mentioned above. **While it may address some of the adverse impacts highlighted in the *Decision*, again, the Panel is not in a position to assess the extent that it does so whether in the short or longer-term.** INAC is ordered to provide its rationale, data and other relevant information to assist this Panel in understanding INAC's Budget 2016 investments and how they are responsive to the needs of the First Nations children and how it addresses the findings in the *Decision*, in the short term, especially in terms of mental health services and Band Representatives.

[74] In this regard, the Panel is aware that, as opposed to provincial service delivery and the Ontario's *Child and Family Services Act*, federal health and social services to First Nations children are delivered through different departments. Nevertheless, the Panel made findings with the evidence before it in relation to the gaps and adverse impacts caused by the Federal government's involvement in health and social services to First Nations children in Ontario (for example, see the *Decision* at paras. 364-373 and 391- 392). Overall, the Panel found the situation in Ontario fell short of the objective of the *1965 Agreement* "...to make available to the Indians in the Province the full range of provincial welfare programs" (see *Decision* at para. 246). **Again, the Panel wants to know how those findings are being addressed in the short term while the *Agreement* is**

¹ 2016 CHRT 2 at para 481.

being reformed.² [emphasis added]

4. In addition to other further reporting, the Tribunal stated its hope that at the anticipated case management meeting, “all outstanding short-term remedial requests can be resolved by the end of the meeting as to not delay immediate action any further.”³
5. It is clear from the Panel’s findings in this decision that the Tribunal was contemplating that other orders may be required to alleviate discrimination in the short term, and that reporting would inform such further orders. The case management meeting was adjourned without such further orders being made.
6. At that time, the Complainants and Interested Parties and the Respondent prepared the schedule for hearing the motions on compliance.
7. The remedial process for immediate relief is not complete, contrary to what Canada suggests. The Tribunal has retained jurisdiction over remedies, including remedies to provide immediate relief. With respect to Ontario, the Tribunal has indicated more specific orders are required.
8. Now that there is a complete evidentiary record about how Canada is responding to the Tribunal’s findings in the January 2016 Decision, the time is ripe for such further orders.

Canada’s evidence about mental health programs is not responsive to the Tribunal’s decision

9. Canada characterizes COO and NAN’s submissions on the need for mental health funding under the *1965 Agreement* as “new allegations” about the sufficiency of children’s mental health funding.⁴ Canada suggests that these submissions deal with “matters not raised or dealt with at the original hearings” and states that while “this information is no doubt helpful”, it raises “new issues.”⁵ Canada suggests that this “raises concerns about the fairness of the process.”⁶
10. This is without basis. The original complaint expressly alleged discriminatory gaps in child welfare and family services available to First Nations children on reserve. The complaint was substantiated. The Tribunal concluded that, in Ontario, discrimination arose because the *1965 Agreement* “had not been updated to ensure that on-reserve communities could comply with the *Child and Family Services Act*, including the provision of Band Representatives **and mental health services**” [emphasis added].⁷ Gaps in mental health services available to children and families under the *1965*

² 2016 CHRT 16 at paras 68, 73-74.

³ 2016 CHRT 16 at para 163.

⁴ Attorney General of Canada, Factum at para 63.

⁵ Attorney General of Canada, Factum at paras 63-64.

⁶ Attorney General of Canada, Factum at para 64.

⁷ 2016 CHRT 2 at paras 10, 26; 2016 CHRT 2 at paras 217-246, 458.

Agreement are a core adverse impact of the faulty funding regime in Ontario that must be addressed at the remedial stage.

11. COO's Notice of Motion directly seeks relief about mental health services under the *Child and Family Services Act*.
12. To the extent that new issues are brought forth at this motion, it is because Canada has introduced evidence about unrelated mental health "investments" in order to deflect from its inaction on the matters at the heart of this case and this motion.
13. For example, in response to COO's motion and the Tribunal's reporting orders, Canada's affiants pointed to programs that provide mental health services to Indigenous peoples as evidence of its compliance with the Tribunal's rulings.⁸ However, cross-examination revealed the investments Canada highlights were identified prior to the release of the Tribunal's decision in 2016 CHRT 2.⁹ In addition, there is no evidence to indicate that this funding is directed at First Nations children, works to keep First Nations families together, or supports mental health services under the *Child and Family Services Act*.¹⁰ Programs and investments that "mostly deal with adult issues" and which "do not deal specifically with children in care" are not sufficient to address the gaps under the *1965 Agreement*.¹¹
14. Although COO agrees that the evidence has little bearing on this motion, no unfairness to Canada is created by cross-examination on Canada's evidence about generally available mental health programs. Canada supplied evidence about such programs as a response to COO's evidence that the funding was insufficient. This evidence must be tested.
15. Finally, given Canada's own admission that the evidence about such programs is irrelevant and not responsive to the issue raised by COO and NAN in this motion,¹² we are left with no evidence that Canada has taken any steps to provide equitable funding for children's mental health services under the *Child and Family Services Act* to fill gaps created by the *1965 Agreement*. The only conclusion, therefore, is that the discrimination against First Nations children in Ontario continues with respect to mental health services under the *Child and Family Services Act*.

⁸ Attorney General of Canada, Factum at para 37; Affidavit of Lee Cranton, February 10, 2017 at paras 5-6; Cross-Examination of Robin Buckland, February 7, 2017 at p 242, Line 10 – p 244, Line 4; p 250, Line 24 – p 253, Line 6; Affidavit of Robin Buckland, January 25, 2017 at para 24.

⁹ Cross-Examination of Cassandra Lang, February 7, 2017 at p 10, lines 7-25; Cross Examination of Robin Buckland, February 7, 2017 at p 253, Lines 7-19.

¹⁰ Affidavit of Lee Cranton, February 10, 2017, Exhibit B; Cross Examination of Robin Buckland, February 7, 2017 at p 245, Line 15 – p 246.

¹¹ See 2016 CHRT 2 at para 241.

¹² Attorney General of Canada, Factum at paras 63-64.

Systemic remedies are appropriate in systemic cases

16. The Attorney General of Canada has relied on *Moore v. British Columbia* for the proposition that “the role of the Tribunal is to adjudicate the particular claim that is before it. It should not determine remedies as if it were a Royal Commission.”¹³
17. The Supreme Court of Canada’s reasoning about the appropriate remedies in *Moore* does not extend to this case. In *Moore*, the human rights complaint was framed entirely in terms of the exclusion of one child, Jeffrey Moore, from access to education services as a function of his learning disability. There was no allegation of systemic discrimination by the District or Province. It was for this reason that the Supreme Court concluded the broad, systemic remedies ordered were not sufficiently tied to the discrimination suffered by Jeffrey and should be set aside.¹⁴
18. This case, on the other hand, has always been about systemic discrimination against First Nations children in the provision of child and family services. In 2016 CHRT 2, the Tribunal concluded that INAC’s “design, management and control of the FNCFS Program, along with its corresponding funding formulas and other related provincial/territorial agreements have resulted in denials of services and have created various adverse impacts for many First Nations children and families living on reserves.”¹⁵ It found that these adverse impacts were located, among other places, in the faulty funding formula upon which INAC has relied and, in Ontario, in INAC’s failure to update the *1965 Agreement* so that on-reserve communities could comply fully with Ontario’s *Child and Family Services Act*.¹⁶
19. As a result, it is squarely within the Tribunal’s jurisdiction under s. 53(2)(a) to make targeted, systemic orders to prevent the discrimination that flows from these failures. Orders of this nature are closely connected to the original complaint, and to the Tribunal’s conclusion that the complaint has been substantiated. Such orders can provide additional guidance and clarity that will assist Canada in complying with the Tribunal’s overarching order that it cease “its discriminatory practices and reform the FNCFS Program and the *1965 Agreement* to reflect the findings in” its decision in 2016 CHRT 2.¹⁷

The Request for an Ontario Special Study is not an intrusion into policy

20. In its September 2016 decision, Tribunal agreed that the Ontario Special Study would “greatly assist in determining the adequacy of the *1965 Agreement* in achieving comparability of services”, and in informing “the long term reform of the *1965*

¹³ Attorney General of Canada, Factum at para 62.

¹⁴ *Moore v British Columbia (Education)*, [2012] 3 SCR 360, 2012 SCC 61 at para 69.

¹⁵ 2016 CHRT 2 at para 458.

¹⁶ 2016 CHRT 2 at para 458.

¹⁷ 2016 CHRT 2 at para 481.

Agreement.”¹⁸ Noting that INAC had not addressed the request for the Special Study directly in its submissions,¹⁹ the Tribunal ordered INAC to give a “response indicating its views on the request that it conduct a special study on the application of the *1965 Agreement*”.²⁰

21. In its October 2016 report, INAC accepted the need to understand “the adequacy of the *1965 Agreement* in achieving comparability of services; culturally appropriate services that account for historical disadvantage; and, ensuring the best interest of the child are paramount” and indicated it was working with the province of Ontario and First Nations leadership and other partners to “look specifically at INAC’s support for child and family services through the application of the *1965 Agreement*”.²¹
22. In spite of this, in the five months since, INAC has made no progress in identifying gaps in the *1965 Agreement*, nor has it identified any internal deadlines for when it will do so.²² COO has accordingly requested that Canada be ordered to undertake an Ontario Special Study within one year to identify gaps in services to First Nations children arising out of its application of the *1965 Agreement*.
23. The Commission declined to support this request, citing “the need to allow Canada some flexibility in selecting the precise methods by which discriminatory practices are to be eliminated.”²³ The proposed Ontario Special Study, however, will identify service gaps, not dictate policy outcomes. Far from being a constraint on policy choice, it is a precondition for informed policy action.

Discrimination is not a permissible policy choice

24. Canada has characterized the Complainants’ and Interested Parties’ request for remedies as disagreement with Canada’s “policy choices”.²⁴
25. If Canada’s position is that persistent discrimination against First Nations children in Ontario is a “policy choice”, then it is true that COO disagrees with that choice.
26. Canada’s discretion to implement policy and allocate funding as it chooses ends where its chosen approach is discriminatory. The Tribunal’s January 2016 Decision, and the entire body of human rights law, supports that proposition.²⁵

¹⁸ 2016 CHRT 16 at para 103.

¹⁹ 2016 CHRT 16 at para 104.

²⁰ 2016 CHRT 16 at para 160.

²¹ October 31, 2016 Response of Indigenous and Northern Affairs Canada to the Canadian Human Rights Tribunal Order of September 14, 2016 at p 30, citing 2016 CHRT 16 at para 103.

²² Cross-Examination of Cassandra Lang, February 7, 2017 at p 78, Line 267 – p 80, Line 24.

²³ CHRC, Factum at para 59.

²⁴ Attorney General of Canada, Factum at para 3.

²⁵ See, for example, *Canada (Attorney General) v Canada (Human Rights Commission)*, 2003 FCT 89 at paras 52-53; *Kelso v The Queen*, [1981] 1 SCR 199 at 207.

No further consultation is required for COO's requested orders

27. Canada points to the need for consultation as a reason to delay implementing the immediate relief measures requested by COO.
28. COO agrees that longer term comprehensive reform requires consultation, informed by evidence like the requested Ontario Special Study.
29. However, further consultation is not required to move forward on restoring funding to the Band Representative program and providing funding for mental health services under the *Child and Family Services Act*.
30. All implicated parties and the Tribunal agree that the failure to fund the Band Representative program under the *1965 Agreement* has an adverse impact on First Nations children, and is a source of the discrimination in the scheme as a whole. The Tribunal noted that "the Band Representative [program] address[es] the need for culturally relevant services, [...] the goal of keeping families and communities together, and is directly provided for in Ontario's *Child and Family Services Act*."²⁶
31. Ontario's position on this matter is clear. It has repeatedly asked INAC to fund the Band Representative program under the *Child and Family Services Act*, identifying it as a crucial tool to promote the best interests of First Nations children.²⁷
32. COO, as a representative of the First Nations in Ontario, has over and over again stated to Canada through this proceeding and elsewhere, that the Band Representative program is something that First Nations children in Ontario need now.²⁸ It is precisely the kind of discrete investment that would ameliorate ongoing discrimination while broader reforms are undertaken.
33. The Tribunal's decision on the merits similarly makes clear that lack of funding for mental health services is one of the ways the *1965 Agreement* fails provide First Nations children with comparable levels of service to other children under the *Child and Family Services Act*. COO has stated that further consultation on this issue is not required.²⁹
34. What is lacking is not consultation, it is concrete action by Canada to show concerted efforts within the last 14 months to meet with COO and Ontario to reform the *1965 Agreement*, to fill mental health gaps created by the *1965 Agreement*, and to fund Band Representative services. It is time for action, not endless "conversations". The children in COO's communities are entitled to relief, now, from Canada's policy choice of persistent discrimination. There is no more time to waste.

²⁶ 2016 CHRT 2 at para 348.

²⁷ 2016 CHRT 2 at paras 236-237.

²⁸ Affidavit of Deputy Grand Chief Denise Stonefish, sworn January 29 2017, at paras 4-7.

²⁹ Affidavit of Deputy Grand Chief Denise Stonefish, sworn January 29 2017, at paras 4-7.

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 17TH DAY OF MARCH, 2017



Maggie Wente and Krista Nerland

Olthuis Kleer Townshend LLP

250 University Avenue 8th Floor

Toronto, ON

M5H 3E5

416-981-9330

mwente@oktlaw.com

knerland@oktlaw.com

Counsel for the Interested Party Chiefs of Ontario

LIST OF AUTHORITIES

Canada (Attorney General) v Canada (Humans Rights Commission), 2003 FCT 89

Kelso v The Queen, [1981] 1 SCR 199

Moore v British Columbia (Education), [2012] 3 SCR 360, 2012 SCC 61

CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA
and ASSEMBLY OF FIRST NATIONS

Complainants

and

CANADIAN HUMAN RIGHTS COMMISSION

Commission

and

ATTORNEY GENERAL OF CANADA
(representing the Minister of Indian and Northern Affairs)

Respondent

and

CHIEFS OF ONTARIO, AMNESTY INTERNATIONAL CANADA and
NISHNAWBE ASKI NATION

Interested Parties

RESPONDENT'S SUBMISSIONS
RESPONDING TO NAN'S REQUEST FOR UNDERTAKINGS

ATTORNEY GENERAL OF CANADA

Department of Justice Canada
Atlantic Regional Office
5251 Duke Street, Suite 1400
Halifax, NS B3J 1P3
Fax: (902) 426-8796

Per: **Jonathan Tarlton, Melissa Chan &
Patricia MacPhee**

Tel: (902) 426-5959

Email: Jonathan.Tarlton@justice.gc.ca

Melissa.Chan@justice.gc.ca

Patricia.MacPhee@justice.gc.ca

Counsel for the Respondent

Overview

1. There is no legal obligation in the context of cross-examination on an affidavit for a party to give undertakings. However, in the spirit of cooperation and transparency, the Respondent agreed to consider each request and make best efforts to respond, provided that the requests reasonably flowed from the questions being asked and that the witness could answer them based on personal knowledge. Further, the Respondent reserved the right to answer only such requests that were not unduly onerous or would not delay the process.¹
2. The issue in this motion is whether Ms. Robin Buckland, one of Canada's affiants, should be required to provide answers to five undertakings that were refused during her cross-examination on February 6-7, 2017. During Ms. Buckland's 11/2 day cross-examination, the Respondent provided 29 undertakings while refusing only five. The five refusals were in response to requests for undertakings made by counsel for NAN. The first refusal concerned a question about the Wapekeka proposal. It was refused because Ms. Buckland answered a series of questions about that proposal to the best of her ability. The other four questions sought information that fell outside the scope of her employment. The Respondent maintains that these refusals were proper and the Tribunal should not order the questions answered.

Submissions

No Legal Obligation to Provide Undertakings

3. Absence of knowledge is a perfectly acceptable answer on cross-examination.² An affiant being cross-examined on an affidavit is a witness, which is not akin to a discovery representative in an action.³ On discovery, the representative has the obligation to give undertakings or to inform

¹ Cross-examination of Robin Buckland, p. 83, Ins. 7-16.

² *Maheu v IMS Health Canada*, 2003 FCT 647 at paras 5 and 8; *Nguesso v Canada (Citizenship and Immigration)*, 2015 FC 102 at para 102.

³ *Apotex Inc v Canada (AG)* (1992), 41 CPR 390 (Fed TD); *Nguesso v Canada (Citizenship and Immigration)*, 2015 FC 102 at paras 101, 111.

themselves of matters beyond their personal knowledge. An affiant on cross-examination does not have this same obligation.⁴

4. The Federal Court in *Autodata Ltd. v Autodata Solutions Co* confirmed the principle that an examining party has no legal right to request that an affiant undertake to make inquiries and provide answers to questions to which he or she does not know the answer:

A cross-examination on affidavit is not an examination on discovery. An affiant being cross-examined testifies as a witness and not as a representative of a party (*Merck Frosst Canada Inc. v. Canada (Minister of Health)* [1997] F.C.T. No. 1847). He or she therefore has no obligation to better inform himself or herself and the examining party has no right to request or demand that the witness undertake to make inquiries and provide answers to which he or she does not know the answer.⁵

5. In *Bruno*, the Federal Court also distinguished between cross-examinations on an affidavit and examinations for discovery:

I subscribe fully to that part of the reasons for order given by Justice Hugessen in *Merck Frosst Canada Inc. v. Canada (Minister of Health)* [1997] F.C.J. No. 1847, where he states as one of the distinguishing features between cross-examinations and examinations for discovery that "absence of knowledge is an acceptable answer: the witness cannot be required to inform him or herself". Undertakings are no more than an agreement by a party that it will inform itself in order to provide an answer to a question to which the witness does not know the answer. **There is no obligation in the context of cross-examinations for a party to give any undertakings whatsoever. The person cross-examined on an affidavit is a witness, not a party. If, upon being cross-examined, his or her knowledge is [sic] found to be lacking, this may go to credibility, to the probative value of the evidence, etc., but it will not justify an obligation to give an undertaking.** Of course, when a party, being under no obligation to give an undertaking, freely undertakes to provide further answers or documents, the undertaking must be honoured. But that is not the case for the specific "undertakings" under consideration.⁶ (emphasis added)

⁴ *Autodata Ltd. v Autodata Solutions Co*, 2004 FC 1361, at para 2; *Bruno v Canada (Attorney General)*, 2003 FC 1281, at para 5

⁵ *Autodata Ltd. v Autodata Solutions Co*, 2004 FC 1361, at para 2

⁶ *Bruno v Canada (Attorney General)*, 2003 FC 1281, at para 5

6. The cross-examinations of the affiants in this motion is analogous to the cross-examinations which took place before the Tribunal in the hearing on the merits. A cross-examination is the direct testimonial evidence of the witness⁷ and should be treated as such. The questions asked were answered to the best of Ms. Buckland's knowledge. There should not be a higher onus on the affiants in this motion than there would be on a witness giving testimony before a Court or this Tribunal.

7. The NAN has argued that the scope of the cross-examination is not limited to the four corners of the affidavit and that the question was proper. The issue here does not involve the propriety of the question but rather whether the undertaking was properly refused. The Respondent states that the question was answered to the best of the affiant's ability and knowledge and that there is no requirement for her to provide an undertaking and provide a better response.

Undertaking at issue properly refused

8. It appears from their Brief that NAN is only requesting that Ms. Buckland be required to answer the following undertaking:

Provide a response as to why the Wapekeka proposal went unaddressed and languished. (pp. 166-170)

9. It is important to consider this request for an undertaking in context. Ms. Buckland was asked a series of questions on the Wapekeka proposal prior to the requested undertaking being requested. In her answers, Ms. Buckland clearly answers the questions and states she does not know the answer to why the proposal was not addressed:

Q. Could you articulate for the leadership of Nishnawbe Aski Nation, its community members, my clients, why, given the mandate you've indicated you have at Health Canada to meet the need, why the needs of Jolynn Winter and Chantel Fox who as you know ended their lives January 8th and January 10th, 2017, respectively, weren't met?

A. No, I cannot respond. No, I cannot say why.⁸

⁷ *Autodata Ltd. v Autodata Solutions Co*, 2004 FC 1361, at para 19

⁸ Cross-examination of Robin Buckland, pgs 156

[...]

Q. Okay. Since this came to light, you will have figured out why these needs weren't met, am I right? Take your time.

A. I guess the only thing I that I can say is, no, I cannot tell you why these needs were not met. I did not receive this proposal and I certainly see that there's a need and a gap. That is the only thing that I can say.⁹

[...]

Q. All right. So I need to understand and am obligated to ask the obvious question, why wasn't it addressed?

A. And I, as I have just said, I cannot answer that question.¹⁰

10. Ms. Buckland was asked about the response of Health Canada officials on the Wapekeka proposal, which were contained in a news article put into evidence by NAN:

A. With that preface. I learned more about the situation in fact by -- I learned of, first, of the situation and of the story that was written in the article from my staff.

Q. So what did you learn?

A. That, exactly what the facts are, that were presented here, that two very young girls, two children, had taken their own lives, had committed suicide, and I learned that a proposal had come in to Health Canada and that it had not been funded. And I guess at that point, just as I said in my affidavit, if there is a gap, we need to make sure that it's directed, for example, if it's, if the gap is not being filled by another program, then we need to make sure that that gap and that, that gap, that need is articulated to the JP team so that we can have an opportunity to respond.¹¹

11. Ms. Buckland further testified she made attempts to determine what had happened with the Wapekeka proposal but was not able to determine more than what was reported in an article put into evidence by NAN:

⁹ Cross-examination of Robin Buckland, pgs 157

¹⁰ Cross-examination of Robin Buckland, pgs 158

¹¹ Cross-examination of Robin Buckland, pg Pgs 160-1

A. I did make an effort to try to better inform myself because if I -- if we ask questions and we try to understand the situation, we can find out what happened and make sure that next time things happen differently. And I've asked that the proposal be sent to myself. We need to be able to respond.¹²

[...]

Q. No, you advised us that you heard of this right away after it happened, that you saw Mr. Conn's statement in the media, and that you made inquiries about what happened.

A. Sure.

Q. And so I'm asking the question, what was the fruit of your inquiries? Why did they leave this unaddressed?

A: And I don't know.

Q. All right, thank you.

A. I don't know.

Q. Thank you. But that's the first time you've told me. It's been five to ten minutes and I've been asking the same question. So as matters currently stand, on February 6th, 2017, in your capacity as in charge of primary care as high-ranking executive for Health Canada, you do not know why the Wapekeka proposal went unaddressed for months on end in relation to children who were a high risk for suicide. Am I right, you don't know?

A. I can speculate.

Q. No, I didn't ask for speculation. I simply wanted to know if you knew?

A. So I do not know with 100 per cent certainty.¹³

12. As the above transcript citations demonstrate Ms. Buckland answered the questions asked by NAN about the Wapekeka proposal. She testified that she did not know why the proposal went unaddressed.¹⁴ She further indicated she made efforts to find out what occurred and did not find out more than what had been stated by other Health Canada officials in the media. Contrary to the

¹² Cross-examination of Robin Buckland, pg 161

¹³ Cross-examination of Robin Buckland, pg 164

¹⁴ Cross-examination of Robin Buckland, p. 156-166

suggestion of NAN¹⁵ these answers do not demonstrate "ignorance" - rather, they show Ms. Buckland trying to be as helpful and responsive as she could be to the questions.

All refusals were appropriate

13. Although not addressed in NAN's submissions, there were also four other undertakings that were refused. The Respondent maintains these were also proper refusals, as Ms. Buckland advised that she did not know the answer and the question sought information that fell outside the scope of her employment responsibilities.

14. The requests and the rationale for refusing them are set out below:

Provide legal basis to support the proposition that Ms. Buckland and Ms. Lang are not testifying on behalf of Canada. (pp. 137-138)

Rationale: this seeks a legal position that Ms. Buckland is not in a position to provide.

To make inquiries of Dr. Wong and Mr. Conn about mental health issues in Ontario (pp. 148-152)

Rationale: Ms. Buckland testified that cases involving children with unmet mental health needs in Ontario should be brought forward to be considered under Jordan's Principle¹⁶ Ms. Buckland testified that she did not have specific information regarding all the mental health issues or services available in Ontario. Notwithstanding her answer, counsel for NAN requested an undertaking that Ms. Buckland generally inform herself as if she were a Crown deponent.

Inquire of Mr. Conn concerning how Health Canada accounts from a budgetary point of view for the increased challenges and attendant increased costs attached to funding the obligations for First Nations and Inuit in Ontario accounting for remoteness. (pp. 209-212)

Rationale: This was a request for Ms. Buckland to inform herself of information from another department official, who does not directly report to her and whose activities are not within her personal knowledge.¹⁷

¹⁵ See: NAN Brief at para. 3.

¹⁶ Cross-examination of Robin Buckland, p. 152, lns. 12-18.

¹⁷ Cross-examination of Robin Buckland, pp. 209-210.

Valerie Gideon to advise as to the route agencies would need to take to get immediate relief through FNIHB. (pp. 236-238)

Rationale: This was a requests for Ms. Buckland to obtain information pertaining to agency debt relief and the "health component" from the regional ADM of Health Canada. Again, this was a request to inform herself of information from an official from another area of the department¹⁸

The overwhelming majority of requests for undertakings were accepted and answered

15. The Respondent was asked to provide numerous undertakings at the cross-examinations of Ms. Buckland and the other two other affiants and it provided answers to the vast majority of these undertaking requests. These undertakings were accepted on the basis that while Ms. Buckland could not answer the question at the time, she had personal knowledge of the subject matter and could provide the information being requested. For example, when testifying on the number of cases approved for Jordan's Principle, she was asked to confirm the number of cases that had been denied and the number in progress.¹⁹ This was information that was clearly linked to the area on which she was testifying and because she had personal knowledge of this issue, she knew she could obtain the details to answer the question.
16. In other cases, she was asked to provide correspondence she had referred to in her evidence or the full list of people who received the correspondence.²⁰ Again, she agreed to the undertaking because she knew she could obtain the information being sought. This to be distinguished from the refused undertakings where Ms. Buckland was asked to speak to other individuals, who work in a different area than her, or to inform herself of an area she does not have responsibility.
17. Furthermore, Ms. Buckland was not the only Health Canada witness put forward by the Respondent. Lee Cranton, an affiant from Health Canada who works in Northern Ontario was also put forward to specifically address the funding of Health Services, including

¹⁸ Cross-examination of Robin Buckland, pp. 236-237.

¹⁹ Undertaking #7

²⁰ Undertaking #1, 2

mental health in that region. NAN cross-examined Ms. Cranton about mental health funding.²¹

The Tribunal should not order these questions to be answered

18. NAN relies on s. 50(3) of the *Canadian Human Rights Act* to argue that the Tribunal should compel the Respondent to answer the questions at issue. While that section gives the Tribunal the authority to summons a witness, it does not give the Tribunal the authority to order an affiant to undertake to make inquiries and provide answers to questions to which he or she does not know the answer.
19. The parties agreed to have the motions decided based on affidavit evidence and conducting cross-examinations outside the hearing. NAN's motion, if allowed, would vitiate the agreed upon process. A witness who gives *vive voce* evidence at a hearing is not required to inform herself after she has finished testifying. Such an extraordinary change to the usual process would be unfair.
20. This is not a situation where the affiant refused to answer questions on cross-examination. With respect to the refused question about the Wapekeka proposal, as stated at paragraph 9-11, Ms. Buckland answered all the questions about the proposal to the best of her ability. Further, in regards to the other four refusals, the requested information was outside the scope of her duties.

Conclusion

21. In attending to be cross-examined, Ms. Buckland had an obligation to answer truthfully and to answer to the best of her personal knowledge. She did this. She did not refuse to answer any questions. She simply did not know the answer to some of the questions. The Moving Parties may not like her answers but there is no legal obligation on Ms. Buckland to inform herself on issues beyond her personal knowledge or for her to provide undertakings. NAN's motion should be dismissed.

²¹ See: Affidavit and Cross-examination of Lee Cranton.

22. In the event the Panel disagrees and orders Ms. Buckland to answer the undertakings at issue, the Respondent requests that these answers be given in writing, without requiring Ms. Buckland to attend at the hearing. This is the most fair, efficient and expeditious way to proceed. Had the undertaking been accepted at first instance, this is the way in which the Moving Parties would have obtained the information at issue. Assuming the Tribunal issues a ruling by March 21, 2017, the Respondent could provide written answers to the undertakings at issue by the start of the Tribunal hearing on March 22, 2017. There would thus be no delay in proceeding with the scheduled hearing.

Order Sought

23. The Respondent requests that the motion be dismissed and the refusals upheld.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

March 17, 2017



Jonathan Tarlton
Melissa Chan
Patricia MacPhee

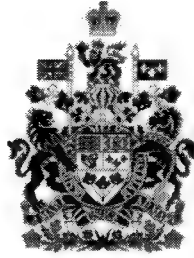
Counsel for the Respondent

Part V – List of Authorities

Jurisprudence

1. *Apotex Inc v Canada (AG)* (1992), 41 CPR 390 (3d) (Fed TD).
2. *Autodata Ltd. v Autodata Solutions Co*, 2004 FC 1361.
3. *Bruno v Canada (Attorney General)*, 2003 FC 1281.
4. *Maheu v IMS Health Canada*, 2003 FCT 647.
5. *Nguesso v Canada (Citizenship and Immigration)*, 2015 FC 102.

**Canadian Human
Rights Tribunal**



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to Information Act*
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Loi sur l'accès à
l'information*
**Tribunal canadien
des droits de la personne**

Citation: 2017 CHRT 7

Date: March 29, 2017

File No.: T1340/7008

Between:

First Nations Child and Family Caring Society of Canada

- and -

Assembly of First Nations

Complainants

- and -

Canadian Human Rights Commission

Commission

- and -

Attorney General of Canada

(Representing the Minister of Indigenous and Northern Affairs Canada)

Respondent

- and -

Chiefs of Ontario

- and -

Amnesty International

- and -

Nishnawbe Aski Nation

Interested Parties

Ruling

Members: Sophie Marchildon and Edward Lustig

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I. Nishnawbe Aski Nation's motion for immediate relief orders

[1] In *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian Affairs and Northern Development Canada)*, 2016 CHRT 2 (“the *Decision*”), this Panel found that First Nations children and families living on reserve and in the Yukon are denied equal child and family services and/or differentiated adversely in the provision of child and family services contrary to the *Canadian Human Rights Act* (“the *Act*”). More specifically, that Indigenous Affairs and Northern Affairs Canada’s (“INAC”) design, management and control of the First Nations Child and Family Services Program (“the FNCFS Program”), along with its corresponding funding formulas and other related provincial/territorial agreements, results in denials of services and creates numerous adverse impacts for many First Nations children and families living on reserve. Among other things, the FNCFS Program funding authorities are not based on provincial/territorial legislation or service standards. Instead, they are based on funding levels and formulas that can be inconsistent with the applicable legislation and standards.

[2] The FNCFS Program, corresponding funding formulas and other related provincial/territorial agreements only apply to First Nations people living on reserve and in the Yukon. It is only because of their race and/or national or ethnic origin that First Nations children and families suffer the adverse impacts in the provision of child and family services enumerated in the *Decision*. Furthermore, these adverse impacts perpetuate the historical disadvantage and trauma suffered by Indigenous peoples, in particular as a result of the Residential Schools system.

[3] INAC was ordered to reform the FNCFS Program and *Memorandum of Agreement Respecting Welfare Programs for Indians* (“the 1965 Agreement”) to reflect the findings in the *Decision*. It was also ordered to cease applying its narrow definition of Jordan’s Principle and to take measures to immediately implement the full meaning and scope of Jordan's Principle.

[4] The Nishnawbe Aski Nation (“NAN”) seeks various immediate relief orders arising out of the *Decision* and two subsequent rulings (see 2016 CHRT 10 and 2016 CHRT 16).

[5] In sum, NAN seeks orders with respect to the provision of mental health services to First Nations in Ontario, the development of a remoteness quotient to be applied to funding for NAN child welfare agencies, and other agency-specific relief.

[6] The First Nations Child and Family Caring Society of Canada, the Assembly of First Nations, the Chiefs of Ontario and the Commission also filed separate motions seeking orders of immediate relief. Along with the motions of the other parties, NAN's motion was heard from March 22-24, 2017 in Ottawa.

[7] During the hearing, the Panel was encouraged to learn that NAN and INAC, were able to reach a resolution on certain aspects of NAN's motion. The following ruling incorporates those resolutions into an order of this Panel. The other orders requested by NAN that are not covered in this ruling shall be dealt with in a separate ruling.

A. Adjournment of request for "Choose Life" order

[8] In January 2017, two twelve-year-old children tragically took their own lives in Wapekeka First Nation ("Wapekeka"), a NAN community. Before the loss of these children, Wapekeka had alerted the federal government, through Health Canada, to concerns about a suicide pact amongst a group of young children and youth. This information was contained in a July 2016 detailed proposal aimed at seeking funding for an in-community mental health team as a preventative measure.

[9] The Wapekeka proposal was left unaddressed by Canada for several months with a reactive response coming only after the two youths committed suicide. The media response from Health Canada was that it acknowledged it had received the July 2016 proposal in September 2016; however, it came at an "awkward time in the federal funding cycle" (see affidavit of Dr. Michael Kirlew, January 27, 2017, at para. 16). The Panel acknowledges how inappropriate this response is in such circumstances and the additional suffering it must have caused.

[10] Tragically, in February 2017, two other youths aged 11 and 21 took their own lives in NAN communities of Deer Lake and Kitchenuhmaykoosib Inninuwug (see affidavit of Sol Mamakwa, February 13, 2017, at para. 5).

[11] The Panel would like to acknowledge and extend our condolences to the families and communities of these youths and to all those who have lost children in similar tragic circumstances.

[12] In its *Decision*, the Panel made findings about the gaps in mental health services for First Nations children and youth. In particular, the Panel identified jurisdictional issues between INAC and Health Canada in the provision of these services that created adverse impacts and denials of services for First Nations children and families. With specific regard to Ontario, mental health services are not covered by the *1965 Agreement* despite the fact that they are legislated in Ontario's *Child and Family Services Act* (see paras. 217-223, 239-242, 246, 364-373 and 391-392, and para. 458 of the *Decision*).

[13] In a subsequent order following the *Decision* and dealing specifically with the *1965 Agreement*, INAC was ordered to provide a rationale, data and other relevant information to assist this Panel in understanding how Budget 2016 investments are responsive to the needs of First Nations children and how it addresses, in the short term, the findings in the *Decision* with respect to mental health services (see 2016 CHRT 16, at para. 73).

[14] In response, INAC indicated it was reviewing the provision of additional services under the *1965 Agreement*, such as mental health services, as part of a longer-term engagement and reform process involving national and regional discussions.

[15] Ms. Robin Buckland, Executive Director of the Office of Primary Health Care within Health Canada's First Nations and Inuit Health Branch, provided affidavit evidence and was cross-examined on the Wapekeka tragedy. She had no response as to why the Wapekeka proposal was left unanswered. However, according to Ms. Buckland, the gap in mental health services, created by the *1965 Agreement*, "could rightly be considered a Jordan's Principle case."

[16] It is in this context that the NAN seeks a "Choose Life" order that Jordan's Principle funding be granted to any Indigenous community that files a proposal (akin to the Wapekeka proposal) identifying children and youth at risk of suicide.

[17] On March 22, 2017, Health Canada committed to establishing a Choose Life Working Group with NAN aimed at establishing a concrete, simplified process for communities to apply for Child First Initiative (Jordan's Principle) funding (see Annex "A"). As such, NAN has asked this Panel to adjourn *sine die* its motion for a "Choose Life" order. NAN proposed to report back to the Panel with respect to the Choose Life Working Group by September 6, 2017.

[18] The Panel grants NAN's request to adjourn its motion for a "Choose Life" order and is really encouraged by the Choose Life Working Group initiative. In writing, by September 6, 2017, NAN shall report back to the Panel with respect to the Choose Life Working Group and indicate whether or not it continues to seek an adjournment of its request for a "Choose Life" order.

B. Agreement on the development and implementation of a remoteness quotient

[19] Since joining these proceedings as an interested party in May 2016, NAN has sought to address the design and implementation of the Panel's orders with specific regard to the context of remote and northern communities in Ontario. It has advocated that a new remoteness quotient be developed to ensure funding to remote northern communities reflects the high costs of living and the extraordinary costs of providing services in those communities.

[20] Indeed, in its *Decision* ability of remote FNCFS Agencies to recruit and retain staff, and , the Panel ordered INAC to immediately address how it determines funding for remote FNCFS Agencies. Current funding does not account for such things as travel to provide or access services, the higher cost of living and service delivery in remote communities, the compounded effect of reducing core funding for remote agencies that may also be smaller agencies (see paras. 213-233 and 291 of the *Decision*). In its subsequent ruling in 2016 CHRT 16, the Panel ordered INAC to provide detailed information to clearly demonstrate how it is determining funding for remote FNCFS Agencies that allows them to meet the actual needs of the communities they serve (see 2016 CHRT 16, at para. 81).

[21] INAC and NAN have now agreed to terms on the development and implementation of a remoteness quotient for the three FNCFS Agencies that serve NAN communities. INAC will fund the development of this quotient. The specific Terms of Reference of their agreement are attached as Annex "A" of this ruling. The Panel adopts those terms as set out in the order below and pursuant to section 53(2)(a) of the *Act*.

[22] Again, the Panel is pleased by this agreement between INAC and NAN. The other parties are also supportive of this agreement, but await the final development and implementation of the remoteness quotient in NAN communities before taking a position on its application across the country. As such, the Tribunal will reserve its jurisdiction to return to the issue of the remoteness quotient to modify or clarify its order in the future. As with the "Choose Life" order, NAN proposed to report back to the Panel with respect to the development and implementation of the remoteness quotient by September 6, 2017.

[23] The Panel also notes that its acceptance of INAC and NAN's agreement does not affect the other immediate relief measures requested by the parties. As mentioned above, the motions and measures requested by the other parties, along with the other measures requested by NAN that are not addressed in this ruling, shall be dealt with in a separate ruling. Finally, the Panel's acceptance of INAC and NAN's agreement should not be construed to modify or change any immediate relief measures already ordered by the Panel.

II. Order

[24] Having heard from the parties and upon considering their written submissions on NAN's motion for immediate relief and the subsequent resolutions reached with INAC, the Tribunal orders as follows:

1. NAN's motion for a "Choose Life" order is adjourned sine die. NAN shall report back to the Panel with respect to the Choose Life Working Group by September 6, 2017 and indicate whether or not it continues to seek an adjournment of its request for a "Choose Life" order;
2. INAC and NAN will work to develop and implement an immediate relief funding formula for the three FNCFC Agencies that serve NAN communities, in accordance with the Terms of Reference attached to this order as Annex "B";
3. INAC will provide to NAN, within 30 days of this order, funding of \$77,931.02, inclusive of HST, for Phase 1 as set out in the expert proposal provided by NAN to INAC in accordance with the Terms of Reference;
4. INAC will provide NAN with the available empirical data agreed upon by NAN and INAC for Phase 1 by April 15, 2017;
5. The results of Phase 1 will be made available by NAN to INAC by July 15, 2017;
6. In accordance with paragraph 4 of the Terms of Reference, INAC will commit to a further update to the Barnes Report using data from the 2016 Census and any other relevant available data that NAN and INAC agree upon; and
7. By September 6, 2017, INAC and NAN will provide an update to the Tribunal concerning the progress of data collection and analysis in relation to the Terms of Reference and every six months thereafter as long as the Panel remains seized of this order.

[25] The Panel retains jurisdiction over the above orders should it need to modify or clarify them in the future.

III. Concluding remarks

[26] At the outset of the March 22-24, 2017 hearing, the Panel Chairperson stated the following:

I have a few words to bring hope, since people can perish without vision and hope. Truth always needs to be said, even when it's hard. It is a component of justice. This does not mean we cannot bring hope; we have to foster hope.

Hope is the heartbeat of a nation. It gives people the strength to overcome obstacles that seem insurmountable. It brings people together to work towards a common goal and drives them forward even in the midst of adversity. I would like to say to everyone that you are all precious and that there is always hope.

[27] The Panel believes the agreements achieved between NAN and INAC to be carriers of hope.

Signed by

Sophie Marchildon
Panel Chairperson

Edward P. Lustig
Tribunal Member

Ottawa, Ontario
March 29, 2017

Canadian Human Rights Tribunal

Parties of Record

Tribunal File: T1340/7008

Style of Cause: First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)

Ruling of the Tribunal Dated: March 29, 2017

Date and Place of Hearing: March 22-24, 2017 at Ottawa, Ontario

Appearances:

David Taylor, Anne Levesque, Sarah Clarke, counsel for the First Nations Child and Family Caring Society of Canada, the Complainant

Stuart Wuttke and David Nahwegahbow, counsel for the Assembly of First Nations, the Complainant

Daniel Poulin, Samar Musallam and Brian Smith, counsel for the Canadian Human Rights Commission

Jonathan N. Tarlton and Melissa Chan, counsel for the Respondent

Maggie Wente and Krista Nerland, counsel for the Chiefs of Ontario, Interested Party

Julian N. Falconer and Akosua Matthews, counsel for the Nishnawbe Aski Nation, Interested Party

Wednesday, March 22, 2017

**Grand Chief Alvin Fiddler
Nishnawbe Aski Nation
200-100 Back Street
Thunder Bay, Ontario P7J 1L2**

Dear Grand Chief Fiddler:

I am writing to confirm Health Canada's commitment to establish a Choose Life Working Group with Nishnawbe Aski Nation (NAN) aimed at establishing a concrete, simplified process for communities to apply for Child First Initiative (CFI) funding that will address the needs of First Nations children at risk of suicide.

Health Canada commits to completing this work by April 10th as laid out in the draft Implementation Plan attached in Annex A.

The Choose Life application process will be grounded in criteria proposed by NAN in the proposal template submitted to Health Canada on March 21, 2017. It will serve as a pilot that could be broadened to other communities depending on feedback received from First Nations.

The Choose Life Working Group is not meant to displace the work of the Joint Action Table. It is intended to provide an interim measure for communities who have identified and assessed unmet needs of First Nations children in mental health that have resulted due to the lack of availability of services and supports requested in the community, or where a dispute over coverage of the requested services and supports is in question between federal departments or the provincial government.

Health Canada will also ensure that the Choose Life application process is consistent with the national Jordan's Principle approval process so that it enhances and does not create a more onerous approach for NAN communities, families and children to access Child First Initiative funding.

Canada

Annex "A"

*Released under the Access
to Information Act
Communiqué en vertu de la
Loi sur l'accès à
l'information*

Thank you for your consideration and openness to working through these issues.

Welalin,

A handwritten signature in black ink, appearing to read 'V. Gideon', written over a horizontal line.

**Valerie Gideon
Assistant Deputy Minister
Regional Operations**

**c. Sol Mamakwa, NAN
Travis Boissoneau, NAN
Julian Falconer, Falconers LLP
Paula Isaak, INAC
Margaret Buist, INAC**



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100 Back Street, Unit 200 Thunder Bay, ON P7J 1L2
Tel: (807) 623-8228 Fax: (807) 623-7730

**Valerie Gideon
Assistant Deputy Minister
Regional Operations
First Nations and Inuit Health Branch
Health Canada
Ottawa, ON
Via email. Valerie.gideon@hc-sc.gc.ca**

Re: Choose Life Pilot Working Group

The loss of our children by suicide in Nishnawbe Aski Nation (NAN) has created untold pain and despair for families, communities and all of our people. Health Canada's commitment "to establish a Choose Life Working Group with NAN aimed at establishing a concrete, simplified process for communities to apply for Child First Initiative funding" establishes an important route for our communities in crisis to access Jordans Principle funds.

While we continue to mourn the loss of all of our children including Jolynn Winter and Chantell Fox of Wapekeka First Nation, an expedited Choose Life Application process that would be the product of a collaborative exercise between Canada and NAN (finalized by April 10, 2017), creates the very real prospect of a profound legacy as a memorial to our lost youth.

I look forward to getting the Working Group underway and protecting our greatest gift, our youth.

Sincerely,

NISHNAWBE ASKI NATION

L. H.

Grand Chief Alvin Fiddler

cc **NAN Executive Council**
Travis Boissoneau, Chief Administrative Officer, NAN
Bobby Narcisse, Director of Social Services, NAN
Sol Mamakwa, Health Advisor, NAN
Julian Falconer, Falconers LLP
Paula Isaak, INAC
Margaret Buist, INAC

CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and
ASSEMBLY OF FIRST NATIONS**

Complainants

-and-

CANADIAN HUMAN RIGHTS COMMISSION

Commission

-and-

**ATTORNEY GENERAL OF CANADA
(representing the Minister of Indigenous and Northern Affairs Canada)**

Respondent

-and-

**CHIEFS OF ONTARIO, AMNESTY INTERNATIONAL CANADA and
NISHNAWBE ASKI NATION**

Interested Parties

**ORDER RE NAN MOTION
RESPECTING A REMOTENESS QUOTIENT**

THIS MOTION, brought by the Interested Party, Nishnawbe Aski Nation ("NAN"), for an Order seeking immediate relief in respect of this Tribunal's decision dated January 26, 2016, was heard in Ottawa, Ontario.

UPON reading the materials filed in the herein proceedings, including the Terms of Reference attached to this Order as Schedule "A" ("the Terms of Reference") which were executed in

Annex "B"

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to Information Act*

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l'information*

2

response to the Tribunal's January 26, 2016 decision and its accompanying September 14, 2016 ruling ordering that INAC report on how it is addressing the remoteness issue in Ontario;

AND UPON receiving the consent of NAN and INAC to this Order, and

AND UPON hearing the parties' oral submissions:

1. **THIS TRIBUNAL ORDERS** that INAC and NAN will work to develop and implement an immediate relief funding formula for the three First Nation Child and Family Services agencies that serve NAN communities, in accordance with the Terms of Reference attached to this Order as Schedule "A";
2. **THIS TRIBUNAL FURTHER ORDERS** that INAC provide to NAN, within 30 days of this Order, funding of \$77,931.02, inclusive of HST, for Phase 1 as set out in the expert proposal provided by NAN to INAC in accordance with the Terms of Reference;
3. **THIS TRIBUNAL FURTHER ORDERS** that INAC will provide NAN with the available empirical data agreed upon by NAN and INAC for Phase 1 by April 15, 2017;
4. **THIS TRIBUNAL FURTHER ORDERS** that the results of Phase 1 will be made available by NAN to INAC by July 15, 2017;
5. **THIS TRIBUNAL FURTHER ORDERS** that, in accordance with paragraph 4 of the Terms of Reference, INAC will commit to a further update to the Barnes Report using data from the 2016 Census and any other relevant available data that NAN and INAC agree upon; and
6. **THIS TRIBUNAL FURTHER ORDERS** that INAC and NAN provide updates to the Tribunal concerning the progress of data collection and analysis in relation to the Terms of Reference every six months from the date of this Order as long as the Tribunal remains seized of this matter.

ORDER signed this ____ day of _____, 2017 _____

Terms of Reference for Remoteness Quotient Table

Canadian Human Rights Tribunal: "The [First Nations Child and Family Service] FNCFS Program, corresponding funding and other related provincial/territorial agreements intend to provide funding to ensure the safety and well-being of First Nations children on reserve by supporting culturally appropriate child and family services that are meant to be in accordance with provincial/territorial legislation and standards and be provided in a reasonably comparable manner to those provided off-reserve in similar circumstances. However, the evidence above indicates that AANDC is far from meeting these intended goals and, in fact, that First Nations are adversely impacted and, in some cases, denied adequate child welfare services by the application of the FNCFS Program and other funding methods."¹

1. Context

Nishnawbe Aski Nation ("NAN") and the Government of Canada ("Canada") jointly acknowledge the decision of the Canadian Human Rights Tribunal ("CHRT") in *First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada et al*, 2016 CHRT 2 ("Caring Society").

NAN and Canada jointly recognize the "legacy of stereotyping and prejudice through colonialism, displacement and residential schools".²

NAN and Canada jointly recognize that a "standardized, one-size-fits-all approach to determining funding for remote agencies affects their overall ability to provide services and results in adverse impacts for many First Nations children and families."³

NAN and Canada jointly recognize the unique challenges and "added time and expense"⁴ of delivering child welfare services to remote access communities in the North.

NAN and Canada jointly recognize that the effects of remoteness on Indigenous child welfare agencies in Northern Ontario are exacerbated by "extraordinary infrastructure deficits"⁵ and "distinct differences"⁶ between Indigenous and non-Indigenous child welfare agencies. NAN and Canada jointly recognize that "INAC does not currently provide funding for remoteness in [Ontario], as the Department did not have sufficient data and information on which to base calculations for funding."⁷

¹ *First Nations Child and Family Caring Society of Canada et al v Canada*, 2016 CHRT 2 at para 383.

² *First Nations Child and Family Caring Society of Canada et al v Canada*, 2016 CHRT 2 at para 402

³ *First Nations Child and Family Caring Society of Canada et al v Canada*, 2016 CHRT 16 at para 81

⁴ *First Nations Child and Family Caring Society of Canada et al v Canada*, 2016 CHRT 2 at paras 231-233.

⁵ *First Nations Child and Family Caring Society of Canada et al v Canada*, 2016 CHRT 2 at para 244.

⁶ *First Nations Child and Family Caring Society of Canada et al v Canada*, 2016 CHRT 2 at para 234.

⁷ INAC compliance report, October 31, 2016.

NAN and Canada jointly recognize the "denials of service and adverse effects"⁸ caused for First Nation families by the absence of an equitable and sustainable funding model for culturally appropriate Indigenous child welfare services and the need for First Nations and the federal and provincial governments to work together to develop such a model.

2. Guiding Principles

The guiding principles at the foundation of the partnership between NAN and Canada include:

- The importance of collaboration and transparency to ensure open and informed lines of communication;
- The primacy of the best interest of the child;
- The need for an equitable and evidence-based child welfare funding model that is responsive to geographic remoteness, community needs and infrastructure, and cultural traditions; and
- The need for a sound empirical basis for funding calculations.

3. Mandate

This Table is intended to allow NAN and Canada to collaborate in the spirit of reconciliation on solutions to the deficiencies in remoteness funding for Indigenous child welfare that were found by the CHRT. The objective is to develop a remoteness quotient that can be used for funding First Nation child welfare agencies that serve various remote communities. NAN and Canada will develop a process for obtaining expert advice on this remoteness quotient. NAN and Canada will develop mutually agreeable remedies related to a remoteness quotient for joint presentation to the CHRT for implementation in the remedy phase of the Caring Society proceedings in accordance with the herein terms of reference and the attached Schedule A being correspondence from NAN to Canada of January 19, 2017.

NAN and Canada will discuss the needs of NAN communities relating to remoteness in the context of the CHRT's order that Canada "cease its discriminatory practices and reform the FNCFS Program and 1965 Agreement to reflect the findings" of its decision.⁹ The agenda for these discussions will be informed by the expertise of child welfare providers, First Nation leadership, and appropriate government representatives.

NAN and Canada do not speak for any of the other parties to the Caring Society proceedings, but recognize that the work of the Table may inform remedies that will affect other organizations.

4. Scope

⁸ *First Nations Child and Family Caring Society of Canada et al v Canada*, 2016 CHRT 2 at para 392.

⁹ *First Nations Child and Family Caring Society of Canada et al v Canada*, 2016 CHRT 2 at para 481.

NAN and Canada will engage in collaborative discussions with respect to the child welfare funding deficiencies identified by the CHRT regarding remoteness as they impact NAN. Any additional child welfare issues that are jointly identified by NAN and Canada and agreed to may be addressed.

Specific topics that are within the scope of the Table include:

- Collection and analysis of empirical data from all relevant sources to inform remoteness funding for Indigenous child welfare;
- An immediate update to the Barnes Report using data from the 2006 census and 2011 national household survey;
- A further update to the Barnes Report using data from the 2016 census;
- The design and implementation of a direct survey of First Nations in northern Ontario with respect to community needs and infrastructure as it relates to child welfare;
- Development and implementation of a new funding formula to address geographical remoteness;
- The unique history, culture, and socioeconomic circumstances of NAN communities;
- The unique challenges faced by Indigenous child welfare agencies in the North, including infrastructure and human resources deficits;
- Implementation of evidence-driven measures to ensure stable and equitable remoteness funding for Indigenous child welfare in the short, medium, and long term;
- Ongoing monitoring and evaluation of remoteness funding models to measure effectiveness; and
- Any other issues related to remoteness funding, the findings of the CHRT, and as agreed upon by NAN and Canada.

5. Membership

The Parties to the Table are NAN and Canada, as represented by the delegates chosen by each Party. Where appropriate, NAN and/or Canada may consult with other parties outside of this Table, on a confidential and without prejudice basis, regarding issues discussed at the Table.

6. Procedure

Term: These terms of reference remain in effect until March 31, 2017 unless otherwise agreed upon by NAN and Canada.

Meetings: The Table shall aim to meet at least once per week. Meeting locations shall alternate to meet the needs of both Parties to the extent possible.

Levels of Negotiation: The Table shall meet either as a Political Table or a Technical Table. Political Table meetings shall include appropriate representatives of both Parties who are prepared to discuss all issues on the agenda and possess general decision-

Annex "B"

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making authority. Technical Table meetings shall include delegates with child welfare, economic, legal, or other appropriate expertise who are prepared to collaboratively develop the substantive materials for discussion by the Political Table. Certain delegates from both Parties may attend both Political and Technical Table meetings to ensure consistent and productive dialogue.

Quorum: Full attendance is encouraged but meetings may proceed as long as both Parties are represented.

Agenda: The Parties will rotate the responsibility of preparing an agenda for each meeting, in consultation with the other Party. The agenda and all other materials are to be circulated as soon as possible before each meeting, and in any event at least 24 hours in advance.

Minutes: Meeting minutes and action items are to be shared following each meeting.

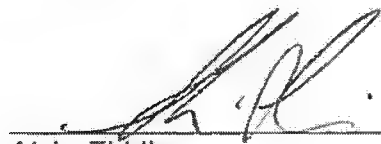
Resourcing: Canada shall provide for the reasonable and adequate resourcing of Table meetings and supporting technical work.


Member Responsibilities:

- Attend and actively participate at meetings;
- Work within the terms of reference;
- Raise and respond to relevant issues in discussion;
- Consider the needs of both Parties, work towards common goals, and negotiate collaboratively in good faith;
- Share relevant information to facilitate evidence-driven discussion;
- Undertake necessary preparatory or follow-up action;
- Seek approvals within their organization as appropriate and necessary;
- Explore all options to obtain consensus and resolve opposing viewpoints;
- Maintain confidentiality of discussions.

Further to the member responsibilities set out above, members are permitted to reference the existence of the Table but the substance of all discussions and these terms of reference will be confidential unless both NAN and Canada agree otherwise. These terms of reference and the proceedings of the Table are not to be used for any purpose except as expressly stated herein.

Dated this 10th day of MARCH, 2017.


Alvin Fiddler
Grand Chief, Nishnawbe Aski Nation


The Honourable Carolyn Bennett
Minister, Indigenous and Northern
Affairs Canada

**Analysis of Caring Society Estimates of Immediate Relief Investments for the
First Nations Child and Family Services Program and Jordan's Principle**

Released under the Access
to Information Act
Communiqué en vertu de la
Loi sur l'accès à
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ITEM	CARING SOCIETY INVESTMENT ESTIMATES	INAC INVESTMENTS
1) Full implementation of Enhanced Prevention Focused Approach (EPFA) or Option 2 from Way Forward Departmental Presentation in 2012	<p>\$121.7M* annually or</p> <p>\$608.5M over five years</p> <p>(*Note: the \$121.7M figure based on the Way Forward Presentation included items 2, 4, 7, 10 and some of 18 listed separately below, so these are not added again separately)</p>	<p>Five year plan begins at \$71.1M annually in 2016/17 and goes to \$176.8M annually in 2020/21, plus:</p> <p>\$12.5M annually (for more prevention supports for families; will begin rollout Q4 2016-17)</p> <p>\$3.5M committed (one time investment to gather information on needs from agencies this and next fiscal year)</p> <p>\$634.8M* over five years</p> <p>(*Note: items 2, 4, 7, 10 and some of 18 listed below are included in this figure)</p>
2) Intake/ Investigation	<p>\$4.67M annually (Year 1 estimate) or</p> <p>\$23.35M over five years</p>	<p>\$5.8M annually (approximate first year amount)</p> <p>\$45M over five years</p>
3) Jordan's Principle Fund	<p>\$12.46M annually or</p> <p>\$37.38M over three years</p>	<p>Up to \$382M over three years</p>
4) Increase per child amount from \$100 to \$200 per annum	<p>\$16.3M* annually or</p> <p>\$81.5M over five years</p> <p>(*Note: uses all First Nations children on reserve to calculate. Canada does not use the same basis for its calculation).</p>	<p>\$5.2M annually (approximate first year amount)</p> <p>\$39.9M over five years</p> <ul style="list-style-type: none"> Child amounts increased to \$175 per child except in Ontario given 1965 Agreement, based on 0-18 population an agency serves
5) Cultural service planning	<p>\$7.9M annually</p>	<p>\$10M committed (one time investment this and next fiscal year)</p>

Legend: Red text represents new investments (outlined in Canada's October 31 Submission to the Tribunal); Green text represents Jordan's Principle; Blue text represents items INAC is planning to address through engagement and reform (and not included in total)

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6) Small agency adjustments	\$1.45M annually	\$1M additional annually (committed and will begin rollout Q4 2016-17) Will be further addressed through engagement and program reform <ul style="list-style-type: none"> Budget 2016 increased funding for all agencies, including small agencies; however, additional discussions required with partners and front-line workers to assess and address small agency needs
7) Fixed Amount Adjustments	\$18.64M annually	Included in Item 1 <ul style="list-style-type: none"> Addressed through Budget 2016 funding increases to all agencies for operational expenses
8) Remoteness Adjustment	\$5.05M annually	Will be addressed through engagement and program reform <ul style="list-style-type: none"> Program already provides funding for remoteness in select regions (Saskatchewan, Quebec, Manitoba)
9) Provision for agencies (Okanagan and Carcross)	\$1.5M	Will be addressed through engagement and program reform <ul style="list-style-type: none"> Creation of new small agencies requires delegation from the province. Would require further engagement with partners, provinces, and front-line workers.
10) Prevention services for Ontario FNCFCS agencies	\$5.2M annually	\$5.8M in 2016/17 <ul style="list-style-type: none"> \$15M in 2020/2021 and ongoing
11) Mental Health Services and Band Representatives for	\$5M annually	Will be addressed through engagement and program reform

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Ontario per <i>Child and Family Services Act</i>		<ul style="list-style-type: none"> Requires further engagement with partners, including Ontario government on the Ontario 1965 Agreement.
12) Ontario Study consultation	\$1M annually	Included in Item 16 below
13) Legal Fees	\$10.5M annually, and to adjust after one year	<p>Will be addressed through engagement and program reform</p> <ul style="list-style-type: none"> Budget 2016 increased amounts for legal fees; however, the request is to reimburse legal fees on actual expenditures. Further engagement, including with provinces/territories is required, to collect accurate information and determine options Currently, legal fees vary based on provincial standards, agency size and level of delegation
14) Capital investments to meet health and safety standards	\$2.1M annually	<p>Will be addressed through engagement and program reform</p> <ul style="list-style-type: none"> Requires further engagement with partners and front-line workers as well as other government departments; currently addressed on a case-by-base basis
15) APTN/ NCTR	\$0.04M , one time	
16) NAC/ Regional Tables	\$1.7M for first year of engagement	<p>Approximately \$2M for first year of engagement</p> <ul style="list-style-type: none"> This is in addition to funding already provided to regional tripartite tables on an ongoing basis (approximately \$270K total)
17) CIS and further studies re: children in care	\$1M	<p>TBD</p> <ul style="list-style-type: none"> INAC is working with the Public Health Agency of Canada to fund the new iteration of the First Nations component of the Canadian Incidence Study of Reported Child Abuse and

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		Neglect.
18) Increases in maintenance costs	\$14.6M	Included in Item 1 above • Budget 2016 includes \$159M over five years for addressing growth and cost drivers, which includes maintenance. In addition to these new investments, INAC is reimbursing pressures related to all eligible maintenance expenditures.
TOTAL FNCFS	\$218.35 -\$0.04 for APTN -\$24.15M, which is the total of all of the items highlighted in blue above that INAC plans to address through engagement and program reform = \$194.35	\$222.6 Note: this figure includes the total INAC investment at year 5 at full implementation, increasing from \$71.1M allocated in 2016/17
TOTAL JORDAN'S PRINCIPLE	\$12.46M per year \$37.38M over three years	Up to \$382M over 3 years

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Region	Band #	Project Name	Recipient Name	Address	Postal Code	AHSOR	AHSOR with Centre Based	AHSOR with Outreach	AHSUNC	Ontario & Alberta Daycares	FNICCI	K4	K5	No ECD, CC, K4 or K5
Alberta	430		Siksika Nation	PO Box 1100, Siksika, AB	T0J 3V0	1	1				1	1	1	
Alberta	431		O'Chiese	Box 2348, Rocky Mountain House, AB	T4T 1B7	1	1				1		1	
Alberta	432		Tsui T'ina Nation (Sarcee)	9911 Chula Blvd SW, Suite 200, TsuiT'ina, AB	T2W 6H6	1	1				1	1	1	
Alberta	433		Chiniki	PO Box 40, Morley, AB	T0L 1N0						1	1	1	
Alberta	433		Stoney Tribes - Morley	Box 40, Morley, AB	T0L 1N0	1	1							
Alberta	434		Sunchild First Nation	Box 997, Rocky Mountain House, AB	T4T 1A5	1	1				1	1	1	
Alberta	435		Blood	PO Box 60, Standoff, AB	T0L 1Y0	1	1				1	1	1	
Alberta	436		Pikani Nation (Peigan First Nation)	Box 70, Brocket, AB	T0K 0H0	1	1				1	1	1	
Alberta	437		Alexis Nakota Sioux Nation	Box 39 Glenevis, AB	T0E 0X0	1	1			1	1		1	
Alberta	438		Alexander	Box 3570 Morinville, AB	T8R 1S3	1	1			1	1	1	1	
Alberta	439		Louis Bull	Box 130, Hobbema, AB	T0C 1N0	1	1			1	1	1	1	
Alberta	440		Enoch First Nation (Stony Plain)	PO Box 29, Enoch, AB	T7X 3Y3	1	1			1	1	1	1	
Alberta	441		Paul (Wabamun)	Box 459 Duffield, AB	T0E 0N0	1	1			1	1	1	1	
Alberta	442		Montana	Box 70, Hobbema, AB	T0C 1N0	1	1				1	1	1	
Alberta	443		Ermineskin First Nation	Box 219, Hobbema, AB	T0C 1N0	1	1			1	1	1	1	
Alberta	444		Hobbema / Pigeon Lake	Box 100, Hobbema, AB	T0C 1N0	1	1					1	1	
Alberta	444		Samson Cree Nation	Box 159 Hobbema, AB	T0C 1N0	1	1			1	1	1	1	
Alberta	445		Beaver First Nation- Boyer River (Child Lake)	PO Box 2700, High Level, AB	T0H 1Z0	1	1				1			
Alberta	446		TallCree	PO Box 100, Fort Vermilion, AB	T0H 1N0	1	1				1	1	1	
Alberta	447		Little Red River Cree Nation (Fox Lake)	PO Box 30, John D'or Prairie, AB	T0H 3X0	1	1				1	1	1	
Alberta	448		Dene Tha' First Nation (Hay Lake)	PO Box 120, Chateh, AB	T0H 0S0	1	1				1		1	
Alberta	449		Horse Lake First Nation	PO Box 303, Hythe, AB	T0H 2C0	1	1				1	1	1	
Alberta	450		Driftpile First Nation	General Delivery Driftpile, AB	T0G 0V0	1	1				1	1	1	
Alberta	451		Duncan's First Nation	PO Box 148, Brownvale, AB	T0H 0L0	1	1				1			
Alberta	452		Kapawe'no First Nation	PO Box 10, Grouard, AB	T0G 1C0	1	1							
Alberta	453		Lubicon Lake	PO Box 6731, Peace River, AB	T8S 1S5	1	1							1
Alberta	454		Sawridge First Nation	PO Box 326, Slave Lake, AB	T0G 2A0									1
Alberta	455		Sturgeon Lake First Nation	PO Box 747, Valleyview, AB	T0H 3N0	1	1					1	1	
Alberta	456		Sucker Creek	Box 65, Enilda, AB	T0G 0W0	1	1				1			
Alberta	457		Swan River First Nation	PO Box 270, Kinuso, AB	T0G 1K0	1	1				1		1	
Alberta	458		Bigstone Cree Nation (Wabasca)	PO Box 960, Desmarais, AB	T0G 0T0	1	1				1	1	1	
Alberta	459		Whitefish Lake (Atikameg) (Utikoomak Lake)	General Delivery Atikameg, AB	T0G 0C0	1	1				1		1	
Alberta	460		Beaver Lake First Nation	Box 1950 Lac La Biche, AB	T0A 2C0	1	1				1	1	1	
Alberta	461		Mikisew Cree First Nation (Dog Head)	PO Box 90, Fort Chipewyan, AB	T0P 1B0									1
Alberta	462		Whitefish Lake Band #128 (Goodfish Lake)	Box 271, Goodfish Lake, AB	T0A 1R0	1	1			1	1		1	
Alberta	462		Saddle Lake Cree Nation	Box 160 Saddle Lake, AB	T0A 3T0	1	1			1	1	1	1	
Alberta	464		Cold Lake	PO Box 1769, Cold Lake, AB	T9M 1P4	1	1			1	1			
Alberta	465		Frog Lake First Nation (Unipouheos)	General Delivery, Frog Lake, AB	T0A 1M0	1	1				1	1	1	
Alberta	466		Kehewin Cree Nation	Box 7550, Bonnyville, AB	T9N 2H8	1	1			1			1	

Alberta	467	Fort McKay First Nation (Mother's of McKay)	PO Box 5360 Fort McMurray, AB	T9H 3G4	1	1				1									
Alberta	468	Fort McMurray # 468 First Nation (Gregoire Lake)	PO Box 6130, Clearwater Station, Fort McMurray, AB	T9H 4W1	1	1													1
Alberta	469	Heart Lake First Nation	Box 447, Lac La Biche, AB	T0A 2C0	1	1				1									1
Alberta	470	Chipewyan Prairie First Nation (Janvier)	General Delivery, Chard, AB	T0P 1G0	1	1				1									
Alberta	473	Bearspaw Band - Eden Valley	Box 40, Morley, AB	T0L 1N0	1	1				1		1	1						
Alberta	474	Woodland Cree First Nation	General Delivery Cadotte Lake, AB	T0H 0N0	1	1				1				1					
Alberta	475	Wesley (Wesley Band - Bighorn)	Box 248, St Paul, AB	T0A 3A0	1	1						1	1	1					
Alberta	476	Loon River Cree First Nation	PO Box 189, Red Earth Creek, AB	T0G 1X0	1	1						1	1	1					
Alberta	478	Peerless Trout First Nation #478	Box 72, Peerless Lake, AB,	T0G 2W0	1	1													
Alberta		Mannawanis Aboriginal Head Start	Mannawanis Native Friendship Centre	P.O. Box 1358, St. Paul, AB	T0A 3A0														
Alberta		Buffalo Lake Metis Settlement	Lac La Biche Regional Awasisak and Family Development Circle Association	P.O. Box 15, Caslan, AB	T0A 0R0					1									
Alberta		Kikino Metis Settlement	Lac La Biche Regional Awasisak and Family Development Circle Association	Kikino Metis Settlement P.O. Box 101, Kikino, AB	T0A 2B0					1									
Alberta		Lac La Biche Aboriginal Metis Head Start	Lac La Biche Regional Awasisak and Family Development Circle Association	P.O. Box 243, Lac La Biche, AB	T0A 2C0					1									
Alberta		Fishing Lake Metis Settlement	Fishing Lake Métis Settlement Association	General Delivery, Fishing Lake, AB	T0A 3G0					1									
Alberta		Gift Lake Metis Settlement	Gift Lake Métis Settlement Association	P.O. Box 60, Gift Lake, AB	T0G 1B0					1									
Alberta		Peavine AHS/Little Owls	Peavine Métis Settlement Association	Bag #4, High Prairie, AB	T0G 1E0					1									
Alberta		Neegan Daitse Dii AHS	High Level Native Friendship Centre Society	P.O. Box 1735, High Level, AB	T0H 1Z0					1									
Alberta		Opokaa'sin Early Learning Centre	Opokaa'sin Early Intervention Society	241 Stafford Drive North, Lethbridge, AB	T1H 2A5					1									
Alberta		Abbeydale Elementary School	Calgary Riel Institute	#103, 2710-3rd Ave., NE, Calgary, AB	T2A 2L5					1									
Alberta		Bowcroft Elementary School	Calgary Riel Institute	#103, 2710-3rd Ave., NE, Calgary, AB	T2A 2L5					1									
Alberta		Rocky Mountain House	Rocky Native Friendship Centre Society	P.O. Box 1927, 4706-46 Street, Rocky Mountain House, AB	T4T1C5					1									
Alberta		Abbott Elementary School	Amiskwacyi Cultural Society	C/O Amiskwacyi Cultural Society #204, 13229 - 146 Street, Edmonton, AB	T5L 4S8					1									
Alberta		Belmead Elementary School	Amiskwacyi Cultural Society	C/O Amiskwacyi Cultural Society #204, 13229 - 146 Street, Edmonton, AB	T5L 4S8					1									
Alberta		Amiskwacyi Cultural Centre (2 sites)	Amiskwacyi Cultural Society	C/O Amiskwacyi Cultural Society #204, 13229 - 146 Street, Edmonton, AB	T5L 4S8					2									
Alberta		Hinton AHS	Hinton Friendship Centre Society	P.O. Box 6270 Stn. Main, 965 Switzer Drive, Hinton, AB	T7V 1X6					1									
Alberta		Grande Prairie AHS (2 sites)	Grande Prairie Friendship Centre	10105 - 97 Avenue, Grande Prairie, AB	T8V 0N5					2									
Alberta		A New Beginning: Elizabeth AHS	Niciwasimsinank Education Society	P.O. Box 420, Cold Lake, AB	T9M 1P1					1									
						45	45	0	20	11	38	26	35	4					

Region	Band #	Project Name	Community/Recipient Name	Address	Postal Code	AHSOR	AHSUNC	Ontario & Alberta Daycares	FNICCI	K4	K5	2017-18 Allocation (Block in Orange)	Child Care spaces
Ontario	120		Mississaugas of the Credit (Mississaugas of the New Credit)	2789 Mississauga Road RR #6, Hagersville, ON	N0A 1H0	1		1	1			\$137,818.00	63
Ontario	121		Six Nations of the Grand River	PO Box 5000, Ohsweken, ON	N0A1M0	1		1	1	1	1	\$248,700.00	161
Ontario	122		Chippewas of Nawash First Nation (Cape Crocker) (Nevaashlingmiing)	R R #5 Warton, ON	N0H 2T0	1		1	1	1	1	\$84,200.00	72
Ontario	123		Saugeen (Chippewas Hill)	R R #1 Southampton, ON	N0H 2L0	1		1	1			\$65,300.00	45
Ontario	124		Big Grassy	PO Box 414, Morson, ON	P0W 1J0	1				1	1		
Ontario	125		Anishnaabeg of Naongashiing (Big Island)	PO Box 335, Morson, ON	P0W 1J0	1							
Ontario	126		Couchiching First Nation	RMB 2027, R R #2 Fort Frances, ON	P9A 3M3	1		1	1			\$55,400.00	32
Ontario	127		Lac La Croix (Neguaguon Lake)	PO Box 640, Fort Frances, ON	P9A 3M9	1				1	1		
Ontario	128		Naicatchewenin (Rainy Lake)	PO Box 15, R R 1, Devlin, ON	P0W 1C0	1		1	1			\$10,900.00	20
Ontario	129		Nigigoonsiminikaaning First Nation (Red Gut) (Nicksousemenecaning) (Rainy Lake)	PO Box 68, Fort Frances, ON	P9A 3M5	1			1				
Ontario	130		Rainy River First Nations (Manitou Rapids)	PO Box 450, Emo, ON	P0W 1E0	1		1				\$11,983.00	13
Ontario	131		Ojibways of Onigaming First Nation (Saskong)	PO Box 160, Nestor Falls Ontario	P0X 1K0	1		1	1	1	1	\$67,151.00	42
Ontario	132		Seine River First Nation	PO Box 124, Mine Centre, ON	P0W 1H0	1							
Ontario	133		Mitaanijigaming First Nation (Stanjikoming) (Rainy Lake)	PO Box 609, Fort Frances, ON	P9A 3M9	1							
Ontario	134		Wabigoon First Nation	PO Box 260, Bala, ON	P0C 1A0	1							
Ontario	135		Moose Deer Point	3719 Twelve Mile Bay Road, PO Box 119, Mactier, ON	P0C 1H0	1			1				
Ontario	136		Wasauksing First Nation (Parry Island)	PO Box 250, Parry Sound, ON	P2A 2X4	1		1	1	1	1	\$64,600.00	57
Ontario	137		Shawanaga First Nation	R R #1, Nobel, ON	P0G 1W0	1				1	1		
Ontario	138		Chippewas of Georgina Island (Georgina Island)	R R #2, PO Box N-13, Sutton West, ON	L0E 1R0	1		1	1		1	\$28,700.00	27
Ontario	139		Chippewas of Rama First Nation (Chippewas Of Mnjikaning)	5884 Rama Road, Suite 200 Rama, ON	L0K 1T0	1		1	1	1	1	\$88,245.00	137
Ontario	140		Mississaugas of Scugog Island First Nation (Mississaugas of Scugog)	22321 Island Road, Port Perry, ON	L9L 1B6	1							
Ontario	141		Beausoleil (Christian Island)	11 O'Gema Street, Christian Island, ON	L9M 0A9	1		1	1	1	1	\$38,300.00	34
Ontario	141	Ogemawahj Tribal Council	Latchkey (Mna Bmaadzijig)	121 Mkade Kegwin, Christian Island, ON	L9M 0A9	1			1				
Ontario	142		Albany (Fort Albany)	PO Box 1, Fort Albany, ON	P0L 1H0	1		1	1	1	1	\$71,590.00	24
Ontario	143		Attawapiskat	PO Box 248, Attawapiskat, ON	P0L 1A0	1		1	1	1	1	\$46,700.00	24
Ontario	144		Moose Cree First Nation (Factory Island)	107 Mookijunebeg Street, PO Box 190 Moose Factory, ON	P0L 1W0	1		1	1			\$66,600.00	55
Ontario	145		Taykwa Tagamou Nation (New Post)	PO Box 3310 RR 2, Cochrane, ON	P0L 1C0	1							
Ontario	146		Weenusk (Peawanuck)	PO Box 1, Peawanuck, ON	P0L 2H0	1				1	1		
Ontario	147		Ochichagwe'babigo'ining First Nation (Ochichagwe Babigo Ining) (The Dalles)	Dalles Road R R #1, Kenora, ON	P9N 3W7	1							
Ontario	148		Eagle Lake	PO Box 1001 Migisi Sahaigan, ON	P0V 3H0	1		1		1	1	\$9,800.00	26
Ontario	149		Grassy Narrows First Nation (English River)	General Delivery, Grassy Narrows, ON	P0X 1B0	1		1	1	1	1	\$75,100.00	44

Ontario	150	Wabaseemoong Independent Nations (Whitedog) (Islington)	General Delivery Whitedog, ON	P0X 1P0	1		1	1	1	1	\$85,200.00	64
Ontario	151	Northwest Angle No. 33	PO Box 1490, Kenora, ON	P9N 3X7	1				1			
Ontario	152	Animakee Wa Zhing #37 (Northwest Angle 37) (Whitefish Bay)	PO Box 267, Sioux Narrows, ON	P0X 1N0	1		1	1	1	1	\$7,200.00	0
Ontario	153	Anishinabe of Wauzhushk Onigum (Kenora)	PO BOX 1850, Kenora, On	P9N 3X8	1		1	1			\$87,800.00	32
Ontario	154	Iskatewizaagegan #39 Independent First Nation (Shoal Lake # 39)	PO Box 1 Shoal Lake, ON	P0X 1E0	1		1	1	1	1	\$80,740.00	32
Ontario	155	Shoal Lake No. 40	Kejick Post Office, Shoal Lake, ON	P0X 1E0	1		1	1	1	1	\$60,900.00	32
Ontario	156	Wabauskang First Nation	PO Box 339, Ear Falls, ON	P0V 1T0	1			1				
Ontario	157	Wabigoon Lake Ojibway Nation	R R #1, Site 115, PO Box 300, Dryden, ON	P8N 2Y4	1					1		
Ontario	158	Naoikamegwanning (Whitefish Bay)	General Delivery, Pawitik, ON	P0X 1L0	1		1	1	1	1	\$72,100.00	69
Ontario	159	Mohawks of Akwesasne (Akwesasne)	PO Box 579, Cornwall, ON	K6H 5T3	1		1	1	1	1	\$231,244.00	250
Ontario	160	Alderville First Nation	PO Box 46, Roseneath, ON K0K 2X0	K0K 2X0	1		1	1			\$82,415.00	52
Ontario	161	Curve Lake	22 Winookeeda Road, Curve Lake, ON	K0L 1R0	1		1	1	1	1	\$125,451.00	91
Ontario	162	Hiawatha First Nation	123 Paudash Street R R 2, Keene, ON	K0L 2G0	1			1	1	1		
Ontario	163	Algonquins of Pikwakanagan First Nation (Golden Lake)	1657A Mishomis Inamo, Golden Lake, ON	K0J 1X0	1		1	1			\$44,600.00	34
Ontario	164	Mohawks of the Bay of Quinte (Tyendinaga Mohawk)	13 Old York Road, R R #1 Deseronto, ON	K0K 1X0	1		1	2		1	\$35,100.00	32
Ontario	166	Chippewas of the Thames First Nation	330 Chippewa Road RR #1, Muncey, ON	N0L 1Y0	1		1	1	1	1	\$31,700.00	29
Ontario	167	Moravian of the Thames	R R #3 Thamesville, ON	N0P 2K0	1		1	1	1	1	\$27,200.00	38
Ontario	168	Munsee-Delaware Nation	289 Jubilee Road R R 1 Muncey, ON N0L 1Y0	N0P 2K0	1		1	1	1		\$57,900.00	44
Ontario	169	Oneida Nation of the Thames	2212 Elm Avenue R R 2 Southwold, ON	N0L 2G0	1		1	1	1	1	\$86,661.00	24
Ontario	170	Walpole Island	R R #3, Wallaceburg, ON	N8A 4K9	1		1	1	1	1	\$136,300.00	123
Ontario	171	Chippewas of Kettle and Stony Point (Kettle and Stony Point)	53 Indian Lane R R 2, Forest, ON	N0N 1J0	1		1	1		1	\$79,523.00	48
Ontario	172	Aamjiwnaang (Chippewas of Sarnia)	978 Tashmoo Avenue, Sarnia, ON	N7T 8E5	1		1	1	1		\$75,000.00	48
Ontario	173	Zhiibaahaasing First Nation	General Delivery, Silver Water, ON	P0P 1Y0	1					1		
Ontario	174	Magnetawan	R R #1, PO Box 15 Britt, ON	P0G 1A0	1							
Ontario	175	Wikwemikong	19A Complex Drive, PO Box 112, Wikwemikong, ON	P0P 2J0	1		1	1	1	1	\$82,284.00	64
Ontario	176	Sheguiandah	PO Box 101, Sheguiandah, ON	P0P 1W0	1							
Ontario	178	Sheshewaning	PO Box 1, Sheshewaning, ON	P0X 1E0	1				1	1		
Ontario	179	Sagamok Anishnawbek (Spanish River)	PO Box 610, Massey, ON	P0P 1P0	1		1	1	1	1	\$117,066.00	40
Ontario	180	Aundeck-Omni-Kaning (Sucker Creek - Little Current)	R R #1, Box 21, Little Current, ON	P0P 1K0	1		1	1	1		\$51,460.00	30
Ontario	181	M'Chigeeng First Nation (West Bay)	PO Box 333, 53 Hwy 551, M'Chigeeng, ON	P0P 1G0	1		1	1	1	1	\$107,965.00	64
Ontario	182	Constance Lake	Box 4000, Calstock, ON	P0L 1B0	1		1	1	1	1	\$38,600.00	36
Ontario	183	Eabametoong First Nation (Fort Hope)	PO Box 298, Eabmet Lake, ON	P0T 1L0	1				1	1		
Ontario	184	Long Lake No. 58 First Nation	PO Box 6089, 209 Otter Road, Langlac, ON	P0T 2A0	1		1	1	1	1	\$36,100.00	38
Ontario	185	Ginoogaming First Nation	PO Box 89, 100 Poplar Crescent, Long Lac, ON	P0T 2A0	1			1				
Ontario	186	Marten Falls (Ogokis Post)	General Delivery Ogoki, ON	P0T 2L0	1				1	1		
Ontario	187	Fort William	90 Amemki Drive Suite 200, Thunder Bay, ON	P7K 1L3	1							
Ontario	189	Lac Des Mille Lacs	1100 Memorial Avenue Suite 328, Thunder Bay, ON	P7B 4A3	1							
Ontario	190	Whitesand	PO Box 68, Armstrong, ON	P0T 1A0	1							
Ontario	191	Pays Plat	PO Box 849, Schrieber, ON	P0M 2J0	1							

Ontario	192	Bigtigong Nishnaabeg (Ojibways of Pic River)	PO Box 193, Heron Bay, ON	P0T 1R0	1		1	1	1	1	\$38,200.00	51
Ontario	193	Red Rock (Lake Helen)	2 Main Street PO Box 1030 Lake Helen Reserve Nipigon, ON	P0T 2J0	1							
Ontario	194	Animbiigoo Zaag'igan Anishinaabek (Lake Nipigon Ojibway) (McDiarmid Indian Settlement)	204 Main Street PO Box 120 Beardmore, ON	P0T 1G0	1							
Ontario	195	Pic Mobert	PO Box 717, Mobert, ON	P0M 2J0	1				1			
Ontario	196	Bingwi Neyaashi (Sandpoint)	146 South Court Street, Thunder Bay, ON	P7B 2X6	1							
Ontario	197	Biinjiwaabik Zaaging Anishinaabek (Rocky Bay)	General Delivery MacDiarmid, ON	P0T 2B0	1				1			
Ontario	198	Batchewana First Nation (Rankin)	236 Frontenac Street, Sault Ste. Marie, ON	P6A 5K9	1		1	1			\$64,300.00	56
Ontario	199	Garden River First Nation	7 Shingwauk Street, Garden River, ON	P6A 6Z8	1		1	1			\$95,000.00	73
Ontario	200	Mississauga (Mississagi River)	PO Box 1299, Blind River, ON	P0R 1B0	1		1	1			\$57,800.00	40
Ontario	201	Serpent River	PO Box 14, 48 Village Road, Cutler, ON	P0P 1B0	1		1	1			\$41,400.00	19
Ontario	202	Thessalon	R R #2, Thessalon, ON	P0R 1L0	1							
Ontario	203	Mishkeegogamang (New Osaburg)	General Delivery, Mishkeegogamang, ON	P0V 2H0	1				1	1		
Ontario	204	North Caribou Lake (Weagamow)	General Delivery, Weagamow Lake, ON	P0V 2Y0	1				1	1		
Ontario	205	Lac Seul (Kejick Bay-Lac Seul)	PO Box 100, Hudson, ON	P0V 2A0	1			1	1	1		
Ontario	206	Wapekeka (Angling Inlet)	General Delivery, Angling Lake, ON	P0V 1B0	1				1	1		
Ontario	207	Bearskin Lake	Box 25, Bearskin Lake, ON	P0V 1E0	1		1	1	1	1	\$55,300.00	26
Ontario	208	Pikangikum	PO Box 323, Pikangikum, ON	P0V 2L0	1				1	1		
Ontario	209	Kitchenuhmaykoosib Inninuwug (Big Trout Lake)	PO Box 329 Big Trout Lake, ON	P0V 1G0	1				1	1		
Ontario	210	Kasabonika Lake	PO Box 124 Kasabonika, ON	P0V 1Y0	1			1	1	1	\$28,400.00	16
Ontario	211	Sandy Lake	PO Box 12, Sandy Lake, ON	P0V 1V0	1				1	1		
Ontario	212	Kingfisher	PO Box 57, Kingfisher, ON	P0V 1Z0	1				1	1		
Ontario	213	Muskrat Dam Lake	PO Box 140, Muskrat Dam, ON	P0V 3B0	1				1	1		
Ontario	214	Sachigo Lake	PO Box 51 Sachigo Lake, ON	P0V 2P0	1				1	1		
Ontario	215	Fort Severn	General Delivery Fort Severn, ON	P0V 1W0	1				1	1		
Ontario	216	Cat Lake	2 Back Road West, Cat Lake, ON	P0V 1J0	1					1		
Ontario	217	Wunnumin (Wunnumin Lake First Nation)	PO Box 105, Wunnumin Lake, ON	P0V 2Z0	1			1	1	1		
Ontario	218	Dokis	PO Box 62, via Monetville, ON	P0M 2K0	1				1	1		
Ontario	219	Matachewan	PO Box 160, Matachewan, ON	P0K 1M0	1							
Ontario	220	Nipissing First Nation	36 Semo Road, Garden Village, ON	P2B 3K2	1		1	1			\$70,614.00	56
Ontario	221	Chapleau Cree First Nation	PO Box 400, Fox Lake Reserve, Chapleau, ON	P0M 1K0	1							
Ontario	222	Temagami First Nation (Bear Island)	Temagi First Nation, Bear Island, ON	P0H 1C0	1		1	1	1	1	\$22,614.00	
Ontario	223	Missanbie Cree	174B Hwy.17E, Bell's Point, Garden River, ON	P6A 6Z1	1							
Ontario	224	Atikameksheng Anishnawbek (Whitefish Lake)	Box 39, 25 Reserve Road, Naughton, ON	P0M 2M0	1							
Ontario	225	Michipicoten (Gros Cap)	PO Box 1, Site 8, R R 1, Wawa, ON	P0S 1K0	1							
Ontario	226	Mattagami	PO Box 99, Gogama, ON	P0M 1W0	1					1		
Ontario	227	Flying Post	PO Box 1027, Nipigon, ON	P0T 2J0	1							
Ontario	228	Brunswick House (Mountbatten) (Duck Lake)	PO Box 1178, Hwy 101 East, Chapleau, ON	P0M 1K0	1							
Ontario	230	Whitefish River (Birch Island)	46 Bay of Islands Road, Birch Island, ON	P0P 1A0	1		1	1		1	\$35,937.00	35
Ontario	231	Henvey Inlet First Nation	354B Pickerei River Road, Pickerei, ON	P0G 1J0	1			1				
Ontario	232	Wahnapitae	36 Loonway Road, Capreol, ON	P0M 1H0	1							

Ontario	233		Wahgoshig First Nation (Abitibi)	R R #3, Matheson, ON	P0K 1N0	1											
Ontario	234		Wawakapewin (Long Dog Lake)	C/O Shibogama First Nation Council, PO Box 449, Sioux Lookout, ON	P8T 1A5	1											
Ontario	235		Obashkaandagaang (Washagamis Bay) (Rat Portage)	PO Box 625, Keewatin, ON	P0X 1C0	1			1	1						\$15,200.00	
Ontario	236		Poplar Hill	PO Box 1, Poplar Hill, ON	P0V 3E0	1							1				
Ontario	237		Deer Lake	PO Box 39, Deer Lake, ON	P0V 1N0	1							1	1			
Ontario	238		North Spirit Lake	General Delivery, North Spirit Lake, ON	P0V 2G0	1							1	1			
Ontario	239		Neskantaga First Nation (Lansdowne House)	PO Box 105, Lansdowne House, ON	P0T 1Z0	1							1				
Ontario	240		Webequie	PO Box 268, Webequie, ON	P0T 3A0	1							1	1			
Ontario	241		Nibinamik First Nation (Summer Beavers)	General Delivery Summer Beaver, ON	P0T 3B0	1				1			1	1			
Ontario	242		Aroland	PO Box 10, Aroland, ON	P0T 1B0	1							1	1			
Ontario	243		Kashechewan	PO Box 242, Kashechewan, ON	P0L 1S0								1	1			
Ontario	258		Ojibway Nation of Saugeen (Savant Lake)	General Delivery, Savant Lake, ON	P0V 2S0	1							1	1			
Ontario	259		Slate Falls Nation	48 Lakeview Drive, Slate Falls, ON	P0V 3C0	1							1	1			
Ontario	325		Kee-Way-Win (Keewaywin)	PO Box 59, Keewaywin, ON	P0V 3G0	1							1	1			
Ontario		Wawenwin Learning Centre	Aboriginal People's Alliance of Northern Ontario	P.O. Box 159, 24 Veterans Road, Moosonee, ON	P0L 1Y0			1									
Ontario		Sioux Lookout Area Aboriginal Management Board	Early Childhood Development Centre	Eagle Lake, ON	K0M 1M0					1							
Ontario		Fort Erie AHS	Fort Erie Native Friendship Centre	64 Jarvis Street, Fort Erie, ON	L2A 2S4		1										
Ontario		Kenora AHS Program	Kenora Anishinaabe-Kweg Aboriginal	1304 Ninth Street North, P.O. Box 514, Kenora, ON	P9N 2T7		1										
Ontario		Makonsag AHS	Makonsag Aboriginal Head Start Inc.	149 King George, Ottawa, ON	K1K 1V2		1										
Ontario			Namaygoosisagagun	684 City Road, Unit 16, Thunder Bay, ON	P7J 1K3	1											
Ontario		Waabanong	Native Child and Family Services of Toronto	156 Galloway Road, Scarborough, ON	M1E 1X2		1										
Ontario		Epningishmok	Native Child and Family Services of Toronto	2784 Keele Street, North York, ON	M3M 2G2		1										
Ontario		Kilwednong	Native Child and Family Services of Toronto	2784 Keele Street, North York, ON	M3M 2G2		1										
Ontario		Shaawanong	Native Child and Family Services of Toronto	First Nations School, 935 Dundas Street East, Toronto, ON	M4M 1R4		1										
Ontario		Niwasa Head Start Preschool	Niwasa Head Start Preschool	1869 Main Street East, Hamilton, ON	L8H 1G2		1										
Ontario		Sivummut Head Start Program	Ottawa Inuit Children's Centre	230 McArthur Avenue, 1st Floor, Ottawa, ON	K1L 6P5		1										
Ontario		Shkoday Abinojilwak Obimiwedoon	Shkoday Abinojilwak Obimiwedoon Thunder Bay Aboriginal Head Start	1610 John Street Road, Thunder Bay, ON	P7G 1J9		1										
Ontario		Zaagi'idiwin AHS Program	United Native Friendship Centre	308 Butler Avenue, Fort Frances, ON	P9A 2N9		1										
Ontario		Waabinong Head Start Family Resource Centre	Waabinong Head Start Family Resource Centre	169 Spring Street, Sault Ste. Marie, ON	P6A 3A3		1										
Ontario		Waninawakang AHS	Waninawakang Aboriginal Head Start Resource Centre	66 Princess Street, P.O. Box 1617, Sioux Lookout, ON	P8T 1C3		1										
Ontario			Whitewater Lake	307 Euclid Avenue Suite 414, Thunder Bay, ON	P7E 6G6	1											
						124	14	51	62	66	70	\$	3,526,541.00				
													MCSS	\$	11,808,700.00		
													TOTAL	\$	15,135,241.00		

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